



**UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL-INVESTIGATIONS**
*Headquarters
Washington, D.C.*



REPORT OF INVESTIGATION

FILE NUMBER: HQ-5099-0001 **DATE:** June 9, 2008

TITLE: JAMES TAYLOR, ELIZABETH REDMAN, and
TAMARA FAULKNER
Washington, DC

CASE TYPE: Misconduct

SPECIAL AGENT: ANN M. COFFEY
New York, NY

APPROVED BY:

KAREN L. ELLIS
Assistant Inspector General
for Investigations

Distribution

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on Integrity and Efficiency, FBI, DOJ, Washington, DC
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SYNOPSIS

This investigation was conducted in response to a referral made to the President's Council on Integrity and Efficiency by Inspector General RICHARD SKINNER (SKINNER), U.S. Department of Homeland Security, Office of Inspector General (DHS-OIG). The referral included several allegations by members of Congress that JAMES TAYLOR (TAYLOR), Deputy Inspector General, DHS-OIG; ELIZABETH REDMAN (REDMAN), Assistant Inspector General for Investigations, DHS-OIG; and TAMARA FAULKNER (FAULKNER), Congressional and Media Affairs Liaison, DHS-OIG, lied to members of Congress during a September 26, 2006, briefing on the DHS investigation involving a shooting by U.S. Border Patrol Agents (BPAs) IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN), and deliberately delayed the release of the Report of Investigation (ROI).

The investigation disclosed that TAYLOR, REDMAN, and FAULKNER did not intentionally provide misleading information to members of Congress and that the statements made at the briefing were misinterpreted and/or taken out of context by some of the briefing attendees. Additionally, DHS-OIG did not intentionally withhold or delay the release of the Report of Investigation (ROI) in this matter.

BACKGROUND

DHS-OIG received two letters dated February 8, 2007, (Exhibit 1), and February 14, 2007 (Exhibit 2), which contained similar allegations. The February 8, 2007, letter was signed by Congressman MICHAEL MCCAUL (MCCAUL) from the 10th District of Texas. The second letter, dated February 14, 2007, was signed by MCCAUL, Congressman TED POE (POE) from the 2nd District of Texas, Congressman KENNY MARCHANT (MARCHANT) from the 24th District of Texas, and Congressman JOHN CULBERSON (CULBERSON) from the 7th District of Texas. The February 14, 2007, letter stated that TAYLOR, REDMAN, and FAULKNER provided misleading information in relation to the RAMOS and COMPEAN investigation. Specifically, the members of Congress alleged that the following statements were made during the September 26, 2006 briefing:

1. RAMOS and COMPEAN confessed to knowingly shooting at an unarmed suspect.
2. RAMOS and COMPEAN stated that they did not believe the suspect was a threat to them.
3. RAMOS and COMPEAN stated on the day of the shooting that they "wanted to shoot a Mexican."

According to the February 14, 2007, letter, the members of Congress indicated they were promised a copy of the ROI once RAMOS and COMPEAN were sentenced. However, the redacted ROI was not released until February 7, 2007, four months after the sentencing.

During interviews with the Members of Congress, another allegation was raised indicating that DHS-OIG advised the three statements, referenced above, would be documented in the ROI. However, when the ROI was provided the statements, as worded above, were not documented as they were led to believe by DHS-OIG.

Events Leading to the September 26, 2006 Briefing

On February 17, 2005, BPAs RAMOS and COMPEAN, while on official duty, shot and wounded OSVALDO ALDRETE-DAVILA (ALDRETE-DAVILA), near San Elizario, Texas. ALDRETE-DAVILA had illegally entered the United States and was attempting to smuggle marijuana from Mexico. At the time ALDRETE-DAVILA was shot, he was fleeing on foot back to Mexico and was unarmed. RAMOS and COMPEAN failed to report the shooting after it occurred and attempted to cover-up the incident.

DHS-OIG initiated an investigation into this matter. On April 13, 2005, the U.S. Department of Justice (DOJ), U.S. Attorney's Office, issued a press release (Exhibit 3) stating that RAMOS and COMPEAN were indicted in the Western District of Texas on charges related to the shooting, subsequent cover up, and destruction of the crime scene. DOJ issued additional press releases on March 8, 2006 (Exhibit 4), and October 19, 2006 (Exhibit 5), that announced that on March 8, 2006, RAMOS and COMPEAN were convicted on assault with serious bodily injury, assault with a deadly weapon, discharge of a firearm in relation to a crime of violence, and a civil rights charge, and sentenced on October 19, 2006, to serve 11 and 12 years respectively in federal prison.

According to DHS-OIG Special Agent CHRISTOPHER SANCHEZ (Exhibit 6), the case agent for the RAMOS and COMPEAN investigation, the investigation received local media attention. However, during the summer of 2006, after RAMOS and COMPEAN's conviction and prior to their sentencing, RAMOS provided an interview to a news reporter, which attracted national media attention. Information on RAMOS and COMPEAN was eventually aired on national media news shows such as LOU DOBBS.

The Congressmen and staffers, who were interviewed, indicated that when the media began focusing attention on this matter, they began receiving phone calls from constituents asking about the case. In an attempt to respond to their constituents' concerns, CULBERSON (Exhibit 7) urged MCCAU to arrange a briefing. MCCAU (Exhibit 8), in his capacity as the Chairman of the Subcommittee on Management, Investigations and Oversight for the House of Representatives' Homeland Security Committee, asked one of the Subcommittee staffers to arrange a briefing by DHS-OIG regarding the RAMOS and COMPEAN investigation.

(Exhibit 9) was working with the Subcommittee to issue a report on the status of immigration issues at the border which was scheduled to be released in October 2006. [redacted] received a phone call from [redacted] MCCAU's [redacted] asking for contacts who could provide information on the RAMOS and COMPEAN investigation. Based on [redacted] request, [redacted] attempted to contact FAULKNER to request a briefing. According to [redacted]

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FAULKNER was not responsive, so she contacted REDMAN to request a briefing. Someone from DHS-OIG contacted [REDACTED] although [REDACTED] could not recall the person's name, to advise that REDMAN would not provide a briefing. Eventually [REDACTED] contacted TAYLOR on behalf of MCCAUL to request a briefing. [REDACTED] had worked with TAYLOR on Hurricane Katrina issues, and TAYLOR agreed to the briefing.

Agent's Note: [REDACTED] could not recall specific dates for the above contacts.

DETAILS

September 26, 2006, Briefing

TAYLOR advised REDMAN (Exhibit 10) and FAULKNER (Exhibit 11) on the morning of September 26, 2006, that they would accompany him to provide a briefing on the "Hill". FAULKNER sent an e-mail (Exhibit 12) to RICHARD REBACK (REBACK) Chief Counsel to the Inspector General, asking whether he should attend the briefing. However, REBACK (Exhibit 13) was not available as he was in training. REDMAN contacted STEVE LAFERTY Deputy AIG for Investigations for the Western part of the United States as well as [REDACTED] in El Paso, Texas, to obtain information in preparation for the briefing. REDMAN and FAULKNER had approximately 4 hours to prepare for the briefing.

[REDACTED] advised TAYLOR (Exhibit 14), the day before the meeting, that in addition to MCCAUL and his staff, there would be "other interested parties" in attendance. Prior to the meeting, nobody from DHS-OIG knew who the actual attendees would be. Additionally, TAYLOR was under the impression that the briefing was being held on behalf of the Subcommittee. In his interview, MCCAUL advised that he asked [REDACTED] to arrange the briefing on behalf of the Subcommittee. MCCAUL did not remember if other members of the Subcommittee were invited. MCCAUL's [REDACTED] (Exhibit 15), advised that it was a "gray area" as to whether the meeting was called on behalf of the Subcommittee.

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Agent's Note: With the exception of MCCAUL, none of the attendees at the briefing were members of the Subcommittee.

The ROI on the shooting had not been completed and transcripts from the trial were not available, so REDMAN reviewed information that had been released by the U.S. Attorney's Office in order to prepare for the meeting. She only utilized open source information since she did not know who would be in attendance at the Congressional briefing. REDMAN voiced her objection to TAYLOR about holding the meeting. She told him she did not believe it was a good idea to provide the briefing since the investigation was still open and ongoing. Although RAMOS and COMPEAN had been convicted, they had not been sentenced and administrative action was still pending for several of the other BPAs involved in the incident.

TAYLOR, REDMAN, and FAULKNER attended the briefing at 2:00 p.m. in the House Cannon Building on September 26, 2006. The briefing was held in the ante-room of the Homeland

Security Committee. There was no sign-in sheet to identify who was in attendance at the meeting. There were four members of Congress present at the meeting, MCCAUL, CULBERSON, POE, and MARCHANT. From MCCAUL's staff [REDACTED] and [REDACTED] were present. From CULBERSON's staff, [REDACTED] and [REDACTED] were present. Nobody was present from POE or MARCHANT's staff. [REDACTED] was also in attendance.

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With the exception of TAYLOR, all individuals interviewed stated that no one was advised or cautioned that the information discussed in the briefing was "For Official Use Only" or in any way confidential and could not be disclosed to the public.

MCCAUL began the meeting, TAYLOR provided introductions for DHS-OIG, and REDMAN provided the substantive information relating to the investigation. FAULKNER did not speak or offer any information during the briefing. After providing the initial briefing, REDMAN and TAYLOR responded to questions from the Congressman and their respective staffs.

REDMAN advised that POE began the meeting by saying, "Exactly what did those boys (referring to RAMOS and COMPEAN) do wrong?" Before REDMAN could complete her response, POE interrupted and said RAMOS and COMPEAN "were heroes." According to REDMAN, this comment set the tone for the meeting. POE did not stay for the entire meeting. MARCHANT (Exhibit 16) stated that he was not previously advised that a briefing was scheduled. He ran into CULBERSON in the hallway, just prior to the briefing, and CULBERSON invited him to attend.

REDMAN admitted to making the statement that RAMOS and COMPEAN wanted "to shoot the Mexican." REDMAN explained that she had been on the telephone with the case agent to prepare for the briefing. She used the term "Mexican" because ALDRETE-DAVILA was Mexican, and the case agent had been interchanging the terms "alien" and "Mexican" while preparing her for the briefing. The statement COMPEAN actually made was he intended to "kill the alien." When REDMAN used the term "the Mexican" she was referring specifically to ALDRETE-DAVILA in the context of the altercation that took place with RAMOS and COMPEAN. COMPEAN put in his sworn statement to the DHS-OIG that his intent was to "kill the alien." The "alien" COMPEAN was referring to in his statement was ALDRETE-DAVILA. REDMAN was not asserting that RAMOS and COMPEAN went on duty that morning with the intent to kill any Mexican they encountered. REDMAN's characterization of her statements regarding "shoot the Mexican" was verified by both TAYLOR and FAULKNER. FAULKNER stated that it was a Congressman who said, "We can't believe they (RAMOS and COMPEAN) woke up one morning and said they wanted to shoot a Mexican."

Agent's Note: Faulkner did not state which Congressmen made the statement.

With respect to the comments that RAMOS and COMPEAN knowingly shot an unarmed suspect and were not in fear for their lives, REDMAN stated during the briefing that the actions taken on the part of RAMOS and COMPEAN indicated they were not in fear for their lives and did not believe that ALDRETE-DAVILA was armed. REDMAN provided the following explanation:

One of the Congressmen asked me "if the Mexican was armed?" I responded, "No, the alien was not armed." One of the Congressmen said RAMOS and COMPEAN thought ALDRETE-DAVILA **was** armed because they said they "might have seen something shiny in ALDRETE-DAVILA's left hand." I countered by saying, "No, the agents (RAMOS and COMPEAN) knew ALDRETE-DAVILA was not armed because they (RAMOS and COMPEAN) made no attempt to take cover" as would/should be the case if they were faced with an armed assailant...Furthermore, RAMOS and COMPEAN did not tell any of their fellow agents at the scene they were afraid for their lives.

REDMAN did not indicate during the meeting that the information related to the comments was contained in RAMOS and COMPEAN's statements or confessions. A memorandum prepared by [REDACTED] (Exhibit 17) for CULBERSON asserts that REDMAN was unsure of the facts surrounding Ramos' confession. Additionally, the memorandum did not state that the above referenced statements would be found in the ROI. [REDACTED] written notes (Exhibit 18) from the briefing did not indicate that the three statements referenced in the February 14, 2007, letter would be found in the ROI.

Agent's Note: RAMOS did not provide a sworn statement to DHS-OIG.

When interviewed, MARCHANT could not recall REDMAN making any of the three statements alleged in the February 14, 2007, letter.

POE (Exhibit 19) advised that he was skeptical about the information provided at the briefing.

Subsequent to the briefing, [REDACTED] (Exhibit 20) stated that he provided a memorandum detailing the information provided at the briefing, to [REDACTED] a local radio talk show host in Houston, TX.

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Delay in Providing the ROI

According to FAULKNER's notes (Exhibit 21) from the briefing, CULBERSON was persistent in requesting either the ROI or some other document discussing the investigation, which he could provide to his constituents.

TAYLOR agreed to provide the ROI immediately after sentencing, which was scheduled for October 19, 2006. At the conclusion of the briefing, REDMAN advised the attendees that once the ROI was issued, it would be forwarded to DHS Customs and Border Protection so they could proceed with administrative action against the other BPAs. When TAYLOR made the offer, he did not realize the ROI had not yet been drafted. He instructed REDMAN to begin working on the ROI immediately.

DHS-OIG began working on the ROI immediately after the briefing. Once RAMOS and COMPEAN were sentenced, MCCUAU sent TAYLOR a letter (Exhibit 22) requesting an official copy of the ROI.

Additionally, [REDACTED] called FAULKNER requesting a copy of the ROI (Exhibit 23). [REDACTED] (Exhibit 24) advised that approximately 10 days before the November 2006 elections, TAYLOR told him that the statements, allegedly made by RAMOS and COMPEAN that: they wanted to "shoot a Mexican;" they were not in fear for their lives; and they knowingly shot an unarmed subject, were not contained in the ROI. The ROI was issued on November 21, 2006, and subsequently provided to CBP, which had 30 days to review the ROI and determine appropriate administrative action against the remaining BPAs. On December 19, 2006, [REDACTED] followed up with TAYLOR via e-mail (Exhibit 25) to determine the status for the release of the ROI.

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According to REBACK, in January 2007, Congressman CHRISTOPHER CARNEY assumed the Chairmanship for the Subcommittee and DHS-OIG was not sure if they were authorized to release the ROI to MCCAUL. According to MCCAUL, SKINNER advised him he would have to request the ROI through the Freedom of Information Act. On January 17, 2007, MCCAUL submitted a FOIA request (Exhibit 26) for the ROI. On January 24, 2007, CARNEY sent a letter (Exhibit 27) to DHS requesting the ROI on behalf of the Subcommittee. An unredacted copy of the ROI was provided to CARNEY on January 25, 2007 (Exhibit 28). MCCAUL received a redacted copy of the ROI on February 6, 2007 (Exhibit 29).

* * * * *

LIST OF EXHIBITS

<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
1	Letter from Congressman MCCAUL, dated February 8, 2007	1
2	Letter from MCCAUL, and other Congressmen, dated February 14, 2007	1
3	DOJ Press Release on indictment of RAMOS and COMPEAN, dated April 13, 2005	2
4	DOJ Press Release on the conviction of RAMOS and COMPEAN, dated March 8, 2006	2
5	DOJ Press Release on the sentencing of RAMOS and COMPEAN, dated October 19, 2006	2
6	Memorandum of Interview, CHRISTOPHER SANCHEZ, dated April 8, 2008	2
7	Memorandum of Interview, Congressman CULBERSON, dated July 19, 2007	2
8	Memorandum of Interview, Congressman MCCAUL, dated July 18, 2007	2
9	Memorandum of Interview, [redacted] [redacted] dated August 17, 2007	2
10	Sworn Statement of ELIZABETH REDMAN, dated June 4, 2008	3
11	Sworn Statement of TAMARA FAULKNER, dated June 9, 2008	3
12	FAULKNER e-mail to RICHARD REBACK , dated September 26, 2006	3
13	Memorandum of Interview, RICHARD REBACK, dated April 17, 2008	3

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<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
14	Sworn Statement of JAMES TAYLOR, dated June 6, 2008	3
15	Memorandum of Interview [redacted] dated July 18, 2007	3
16	Memorandum of Interview Congressman MARCHANT, dated October 30, 2007	4
17	[redacted] memorandum from briefing, dated September 26, 2006	5
18	[redacted] notes from briefing, dated September 26, 2006	5
19	Memorandum of Interview [redacted] dated July 20, 2007	5
20	Memorandum of Interview Congressman POE, dated July 19, 2007	5
21	Copy of TAMARA FAULKNER's notes from the briefing, dated September 26, 2006	5
22	Letter from Congressman MCCAUL requesting the Report of Investigation dated, October 23, 2006	5
23	E-mails between ELIZABETH REDMAN, TAMARA FAULKNER, JAMES TAYLOR and others regarding a phone call from [redacted] requesting ROI, dated October 20, 2006	6
24	Memorandum of Interview [redacted] dated July 18, 2007	6
25	E-mail from [redacted] to JAMES TAYLOR requesting status on CBP administrative action, dated December 19, 2006	6

<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
26	FOIA request from Congressman MCCAUL, dated January 17, 2007	6
27	Letter from Congressman CARNEY Requesting the ROI, dated, January 24, 2007	6
28	Letter from DHS-OIG to Congressman CARNEY providing an unredacted copy of the ROI, dated January 25, 2007	6
29	Letter from DHS-OIG to Congressman MCCAUL providing redacted copy of the ROI, dated February 6, 2007	6

MICHAEL T. McCaul
10TH DISTRICT, TEXAS

COMMITTEE ON
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RANKING MEMBER, SUBCOMMITTEE ON
EMERGING THREATS, CYBERSECURITY,
SCIENCE, AND TECHNOLOGY

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February 8, 2007

The Honorable Richard Skinner
Inspector General
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Skinner:

On September 26, 2006, Congressmen Ted Poe, John Culberson, Kenny Marchant and I met with Deputy Inspector General Jim Taylor and Assistant Inspector General for Investigations Lisa Redman. As the former Chairman of the Subcommittee on Investigations of the House Committee on Homeland Security, I requested this meeting to discuss the Inspector General's investigation of former Border Patrol agents Ignacio Ramos and Jose Compean.

At this meeting, Mr. Taylor and Ms. Redman made several representations of fact. Specifically, Mr. Taylor and Ms. Redman stated both former Border Patrol agents admitted to shooting the suspect knowing he was unarmed, both former Border Patrol agents admitted they did not believe they were in fear for their lives or serious bodily injury from the suspect, one or both of the former agents said they wanted to shoot a Mexican, both former agents were belligerent to investigators and both Ramos and Compean destroyed evidence and lied to investigators.

As you stated to the House Committee on Homeland Security on February 7, 2007, several of these statements are not true.

Please immediately provide my office with a detailed explanation of the circumstances leading to your employees making false statements to Members of Congress during the course of our inquiry. In addition, please provide my office with whatever plans you have to hold your employees accountable for misleading Congress, and what policies and procedures you will implement to ensure such misrepresentations do not happen again.

If you have any questions please contact [redacted] of my staff at 202-225-2401.

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EXHIBIT 1
PAGE 1 OF 2

Sincerely,



Michael T. McCaul
Committee on Homeland Security

**Congress of the United States
House of Representatives
Washington, D.C. 20515**

February 14, 2007

Mr. Richard Skinner
Inspector General
Department of Homeland Security
Washington, DC 20528

Dear Inspector General Skinner:

We are writing to express our displeasure over the misrepresentations supplied by your office to Members of Congress regarding the investigation of United States Border Patrol Agents Ignacio Ramos and Jose Alonso Compean.

On September 26, 2006, Deputy Inspector James Taylor, Assistant for Investigations Elizabeth Redman, and Congressional Liaison Tamara Faulkner, briefed Members of Congress on the IG's Report of Investigation (ROI), the case background, and the allegations against Border Patrol Agents Ramos and Compean. During that briefing, we were told the following:

1. Ramos and Compean confessed to knowingly shooting at an unarmed suspect.
2. Ramos and Compean stated that they did not believe the suspect was a threat to them.
3. Ramos and Compean stated on the day of the shooting that they "wanted to shoot a Mexican."

We were also told that the ROI would be provided to us once Ramos and Compean were sentenced. On October 19, 2006 Ramos and Compean were sentenced to 11 and 12 years, respectively, in federal prison. Despite our repeated requests, the redacted ROI was not released until February 7.

During hearings before the United States House Homeland Security Appropriations Subcommittee on February 6 and the United States House Homeland Security Management, Integration, and Oversight Subcommittee on February 7, you stated that you did not know if the above statements were made by Ramos and Compean and upon review, those statements are not in the ROI. During both hearings, you went on to say that these statements presented to us by your office as facts were not accurate, and that you regretted we had been misled. We find this unacceptable.

We request an immediate and thorough investigation into the circumstances leading to your office providing misrepresentations to Members of Congress and your office's refusal to produce

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the ROI promptly. We also request a copy of any correspondence from the Mexican Consulate or the Mexican government to any U.S. government agency or official. At the conclusion of this investigation, we expect you to hold the responsible parties in your office accountable, whether it is by disciplinary action, termination or resignation, including yourself, Deputy Inspector James Taylor, Assistant for Investigations Elizabeth Redman, and Congressional Liaison Tamara Faulkner.

Sincerely,


John Culberson
Member of Congress

John Culberson
Member of Congress

Michael T. McCaul
Michael McCaul
Member of Congress

Michael McCaul
Member of Congress

Kenny Marchant
Member of Congress

Kenny Marchant
Member of Congress


Ted Poe
Member of Congress

Ted Poe
Member of Congress



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Johnny Sutton, U.S. Attorney

FOR IMMEDIATE RELEASE

Shana Jones, Special Assistant
Daryl Fields, Public Information Officer
(210) 384-7440

April 13, 2005

**TWO U.S. BORDER PATROL AGENTS CHARGED
BY FEDERAL GRAND JURY INDICTMENT WITH ASSAULT CHARGES**

United States Attorney Johnny Sutton announced that today a federal grand jury in El Paso returned a three-count indictment charging two U.S. Border Patrol agents with assault charges.

The indictment charges Ignacio Ramos (a.k.a. "Nacho") and Jose Alonso Compean with assault with intent to commit murder, assault with serious bodily injury and assault with a deadly weapon. Upon conviction of all charges, each defendant faces up to 40 years in federal prison.

According to the criminal complaint, on or about February 17, 2005, a Mexican National attempting to flee back into Mexico near Fabens, Texas, was shot at by the defendants. Compean fired approximately 12 rounds from his service pistol; Ramos fired approximately two times from his service pistol striking the victim. Ballistics testing confirmed that the bullet which struck the victim was from Ramos' service weapon.

This case is being investigated by the office of Inspector General - Department of Homeland Security. Assistant United States Attorney J. Brandy Gardes is prosecuting this case on behalf of the government.

An indictment is a formal accusation of criminal conduct, not evidence of guilt. The defendants are presumed innocent unless and until convicted through due process of law.

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EXHIBIT 1 OF 1
PAGE 1 OF 1



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Johnny Sutton, U.S. Attorney

FOR IMMEDIATE RELEASE

Shana Jones, Special Assistant
Daryl Fields, Public Information Officer
(210) 384-7440

March 8, 2006

TWO U.S. BORDER PATROL AGENTS CONVICTED OF ASSAULT CHARGES

United States Attorney Johnny Sutton announced that a federal jury in El Paso this afternoon convicted two U.S. Border Patrol agents on charges associated with a February 2005 shooting incident. The jury convicted Ignacio Ramos (a.k.a. "Nacho") and Jose Alonso Compean with assault with serious bodily injury, assault with a deadly weapon, discharge of a firearm in relation to a crime of violence and a civil rights charge. Compean and Ramos were also convicted of four counts and two counts, respectively, of obstruction of justice. The jury acquitted both defendants of assault with intent to commit murder.

"Everyday the brave men and women of the U.S. Border Patrol put their lives on the line to protect us. We thank them for their sacrifice and trust them with the burden of enforcing the law. Agents Compean and Ramos abused that trust through violence and cover-up. The fact that they are now convicted and will soon be punished for their crimes is a perfect example of why America stands out as a country where no one is above the law," stated United States Attorney Johnny Sutton.

Evidence presented during the trial revealed that on February 17, 2005, the defendants attempted to apprehend a Mexican National, who was transporting a load of marijuana, while attempting to flee back into Mexico near Fabens, Texas. During the incident, Compean fired approximately 14 rounds from his service pistol; Ramos fired one round from his service pistol striking the victim. Ballistics testing confirmed that the bullet which struck the victim was from Ramos' service weapon. In addition, jurors found that the defendants intentionally failed to report the shooting incident to supervisors, concealed evidence and obstructed the investigation. Finally, jurors convicted Compean of collecting and disposing the spent shell casings expelled from the defendants' firearms in an effort to prevent them from being used in official proceedings.

U.S. Attorney Sutton commended the Office of Inspector General - Department of Homeland Security as well as the United States Border Patrol for their cooperation and assistance with this investigation.

Richard L. Skinner, Inspector General for the Department of Homeland Security stated, "The conviction in this case is a positive reflection of the United States Border Patrol's attempt to guard our nation's borders, while maintaining a high degree of integrity and understanding the necessity of strictly adhering to the laws of the United States. It is a tribute to the Border Patrol that they sought the legal process by assisting special agents of the Department of Homeland Security, Office of Inspector General, in bringing to justice two of their own, who independently decided to take the law into their own hands. This verdict reaffirms that no one is above the law."

Ramos and Compean each face up to life in federal prison. Sentencing is scheduled for 9:00am on June 8, 2006, before United States District Judge Kathleen Cardone. Assistant United States Attorneys Debra P. Kanof and Jose Luis Gonzalez are prosecuting this case on behalf of the government.

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EXHIBIT 1 OF 1



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Johnny Sutton, U.S. Attorney

**FOR IMMEDIATE RELEASE
October 19, 2006**

Shana Jones, Special Assistant
Daryl Fields, Public Information Officer
(210) 384-7452

FORMER BORDER PATROL AGENTS SENTENCED

United States Attorney Johnny Sutton announced that United States District Judge Kathleen Cardone has sentenced Ignacio Ramos and Jose Alonso Compean to 132 months and 144 months in federal prison, respectively, on charges associated with a February 2005 shooting incident at the Fabens Point of Entry. On March 8th, 2006, an El Paso, Texas, jury convicted the former U.S. Border Patrol agents of assault with serious bodily injury, assault with a deadly weapon, discharge of a firearm in relation to a crime of violence and a civil rights charge. They were also convicted of four counts and two counts, respectively, of obstruction of justice. The jury acquitted both defendants of assault with intent to commit murder.

"Federal agents who protect our border deserve our respect, gratitude and trust - it is a difficult and dangerous job. But when law enforcement officers use their badge as a shield for carrying out crimes and then engage in a cover up, we cannot look the other way. Agents Compean and Ramos shot an unarmed, fleeing suspect in the back and lied about it," stated United States Attorney Johnny Sutton.

In early 2005, the defendants shot at an unarmed Mexican National, who was transporting a load of marijuana, while he was running away from them and attempting to flee back into Mexico. During the incident, Compean fired approximately 14 rounds from his service pistol; Ramos fired one round from his service pistol striking the unarmed suspect. Ballistics testing confirmed that the bullet which struck the suspect was from Ramos' service weapon. In addition, jurors found that the defendants intentionally failed to report the shooting incident to supervisors, concealed evidence and obstructed the investigation. Finally, jurors convicted Compean of collecting and disposing the spent shell casings expelled from the defendants' firearms in an effort to prevent them from being used in official proceedings.

Richard L. Skinner, Inspector General of the U.S. Department of Homeland Security, said, "The men and women of the Border Patrol have one of the most difficult and dangerous jobs in federal law enforcement. They serve as the first line of defense for our nation's borders and work to protect our national security. Each day, Border Patrol agents are called upon to apprehend undocumented aliens, interdict dangerous drug traffickers and human smugglers, and provide aid and assistance to those in grave physical danger. Border Patrol agents are trained to respect and protect the civil rights and liberties of those they encounter. Many agents have lost their lives trying to protect the lives of others. In being given the lawful authority to use deadly force when warranted, these agents were bestowed with the highest level of trust. In committing the acts for which they were today sentenced, these two agents have betrayed the trust placed in them by the Department of Homeland Security, their fellow agents, and the public. I again commend the United States Attorney's Office for their successful prosecution of this important case. The Office of Inspector General will remain committed to aggressively investigating allegations of serious civil rights abuses to protect the integrity of the department and the trust placed in our law enforcement officers."

This case was investigated by the Department of Homeland Security Office of the Inspector General and was prosecuted for the government by Assistant United States Attorneys Debra P. Kanof and Jose Luis Gonzalez.

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**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: Christopher Sanchez

TITLE: Assistant Special Agent-in-Charge
U.S. Department of Homeland Security
Office of Inspector General

DATE OF INTERVIEW: April 8, 2008

INTERVIEWED BY: Ann Coffey, SAC, USDA, OIG – SOD, and
[REDACTED] SSA, USDA, OIG - SOD

CASE NUMBER: HQ-5099-0001

LOCATION OF INTERVIEW: U.S. Department of Homeland Security,
Office of Inspector General, Office of Investigations,
1200 Golden Key Circle, Suite 230,
El Paso, Texas

TELEPHONE NUMBER: (915) 629-1809

On April 8, 2008, CHRISTOPHER SANCHEZ (SANCHEZ), Assistant Special Agent-in-Charge (ASAC), El Paso, Texas Field Office, U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), Office of Investigations (OI), was interviewed by ANN COFFEY (COFFEY), Special Agent-in-Charge (SAC), Special Operations Division (SOD), U.S. Department of Agriculture, OIG and [REDACTED] Senior Special Agent (SSA), SOD. The interview was conducted relative to SANCHEZ's knowledge and involvement in the September 26, 2006, provided by DHS-OIG to several Members of Congress and their staff regarding the investigation of former Border Patrol Agents (BPAs) IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN). After being informed of the purpose of the interview and the identity of the interviewers, SANCHEZ provided the following information in substance:

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His full name is CHRISTOPHER RAY SANCHEZ, and he has been employed by the DHS-OIG since November 1, 2004. He is currently employed in the El Paso, Texas Field Office as an Assistant Special Agent in Charge (ASAC). Prior to his employment with DHS, SANCHEZ worked for DHS-Immigration and Customs Enforcement; with the Department of Veteran's Affairs OIG; and with the Department of Commerce-Bureau of Export Enforcement.

COFFEY provided SANCHEZ with a copy of the DHS Kalkines Warning. SANCHEZ signed the Warning without any hesitation, questions or comments. SANCHEZ volunteered to make himself available for any additional inquiries concerning this investigation.

SANCHEZ received the RAMOS/COMPEAN case referral on March 4, 2005. At that time SANCHEZ had not been promoted to Assistant Special Agent-in-Charge. As part of the investigation, SANCHEZ wanted to contact the shooting victim, OSVALDO ALDRETE-DAVILA (ALDRETE-DAVILA), for the purpose of obtaining information that could assist the case. SANCHEZ had been told that [redacted] [redacted] [redacted]

[redacted] Wilcox, Arizona, had a way of contacting ALDRETE-DAVILA because [redacted]

[redacted] On March 5, 2005, SANCHEZ made contact with [redacted] who then used [redacted] as a conduit to contact ALDRETE-DAVILA.

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On March 11, 2005, SANCHEZ received a telephone call from ALDRETE-DAVILA who told SANCHEZ that he did not want to speak with him about the shooting or the circumstances surrounding it. However, SANCHEZ was able to persuade ALDRETE-DAVILA to meet with him and to provide his version of the events.

The meeting between SANCHEZ and ALDRETE-DAVILA occurred at the American Consulate in Juarez, Mexico. SANCHEZ described the meeting as "a very easy process." He was met at the border by representatives from the U.S. Department of State, Diplomatic Security Service, escorted across the Mexican border, and transported to the American Consulate where the meeting with ALDRETE-DAVILA occurred.

The RAMOS/COMPEAN Trial ("Trial") was held in February 2006, and both the local Texas and Juarez, Mexico, media covered the trial in earnest. Both men were convicted in March 2006, on all counts associated with the indictment with the exception of an attempted murder charge, and as a result of their conviction, the U.S. Probation Department conducted a sentencing investigation. The sentencing recommendation to the court was 20-year prison terms for both. Upon learning this, RAMOS went to the media to discuss the case. Initially there was local media attention. After RAMOS went to the media the case was picked up by the national media. Every time there has been an event related to the case (conviction, sentencing, etc.) there has been a corresponding spike in press coverage devoted to the case.

In October 2006, after some delays, both men were sentenced. RAMOS and COMPEAN were allowed to remain free on bond until January 2007, when they reported to the Federal Bureau of Prisons. RAMOS and COMPEAN are doing "hard-time" in a maximum security prison where they are confined to their cells for 23 hours per day. SANCHEZ would not take issue if they were transferred to a minimum security facility where they would be allowed to spend more time outside of their cells.

DHS-OIG Headquarters ("Headquarters") was constantly advised of events as they occurred. The catalyst for submitting updates to Headquarters was [REDACTED] in the El Paso Office.

The U.S. Attorney's Office (USAO) handling the case, as opposed to the DHS-OIG, wanted to be the entity that provided official updates.

SANCHEZ and [REDACTED] were constantly asking Headquarters if they understood how the events of the case, trial, etc. were unfolding. However, because the USAO decided that they would provide updates about the case, SANCHEZ and [REDACTED] believed that Headquarters was somewhat indifferent to the situation.

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RAMOS and COMPEAN never said that they were "out to shoot a Mexican," and SANCHEZ was "very surprised" that anyone from Headquarters would have said that to the Subcommittee. SANCHEZ did not know that Headquarters had provided a briefing to Congress until after the fact, and he was not directly involved in briefing individuals at Headquarters about the case, as that duty fell to [REDACTED]. Additionally, SANCHEZ was not involved in responding to the e-mail from Congressman MICHAEL McCaul's Office to the USAO about questions regarding the case.

The Report of Investigation (ROI) had not been completed at the time the briefing was given. Headquarters personnel repeatedly reduced the size of the ROI by removing information. This worried SANCHEZ because he did not want it to appear that either he or the DHS-OIG were "hiding something."

The USAO did not review the ROI prior to it being issued by the DHS-OIG. SANCHEZ believed the issuance was delayed because other BPAs (aside from RAMOS and COMPEAN) complicit in the case events were still awaiting the adjudication of their cases.

SANCHEZ could not recall if he was involved in the DHS-OIG press release about the case.

The case was appealed in December 2007.

SANCHEZ was so outraged with regard to what certain Congressmen were saying about the case that he considered suing them for libel. In particular, SANCHEZ was upset with the comment that he had taken ALDRETE-DAVILA home to his residence to recover after the bullet had been removed.

SANCHEZ does not believe that there was any intent on the part of the DHS-OIG to mislead members of the Subcommittee.

The statement attributed to RAMOS and COMPEAN about them wanting to "shoot a Mexican" was not found anywhere within the ROI.

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: John Abney Culberson

TITLE: United States Congressman

DATE OF INTERVIEW: July 19, 2007

INTERVIEWED BY: Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER: HQ-5099-0001

LOCATION OF INTERVIEW: 428 Cannon House Office Building
Washington, DC 20515

TELEPHONE NUMBER: (202) 225-2571

On July 19, 2007, Congressman JOHN ABNEY CULBERSON (CULBERSON) from the 7th District of Texas was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine CULBERSON's knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, CULBERSON voluntarily provided the following information:

CULBERSON has been a member of Congress since January 2001. Prior to that he served in the Texas State Legislature and also was employed as civil defense attorney.

Congressmen TED POE (POE) and MICHAEL MCCAUL (MCCAUL) were all extremely concerned about the conviction of RAMOS and COMPEAN. They were listening to the press accounts and were anxious to get additional details on the matter. CULBERSON wanted some assurances that this was not an attempt on the part of DHS not to enforce the immigration laws. He believes that Border Patrol Agents (BPAs) are being intimidated to prevent them from doing their jobs. He wanted to know if RAMOS and COMPEAN were rogue cops or was this another example in a pattern of intimidation. Houston, his home district is being "over run" with illegal immigrants. In 2005, CULBERSON, asked for a meeting with PRESIDENT BUSH on this illegal immigration issue. He did not ask for a private meeting, but asked on behalf of the Texas Delegation. PRESIDENT BUSH refused to meet with them. Congressman GENE GREEN from Texas got up a town hall meeting with DHS- U.S. Citizenship and Immigration Services and Customs and Border Protection and said that President BUSH was not going to enforce the

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law. These events and activities lead up to the mindset of some of the Members of Congress who attended the September 26, 2006 briefing by DHS.

He and POE were very anxious to meet with DHS. CULBERSON was concerned that this incident has negatively impacted the BPAs ability to draw their weapons out of fear that their actions would be questioned. Additionally, CULBERSON wanted to know what role the Mexican Government played in this investigation. He had been pushing MCCAU to arrange a briefing, but "was going at it" from several different angles. According to CULBERSON, DHS knew this was an official fact-finding briefing on important issues. CULBERSON told DHS the purpose of the briefing himself when it began.

MCCAU handled the logistics of the meeting. ELIZABETH REDMAN (REDMAN) was the primary briefer. TAMARA FAULKNER did not say much during the meeting. CULBERSON could not remember where the meeting took place. He thought it might have been the Rayburn or Longworth Building. REDMAN provided an overview of the investigation and then responded to questions and answers. REDMAN in essence told them that the Congressman did not want to defend these individuals. There were statements from at least one or perhaps both, that "they went out to shoot Mexicans" the day of the incident. CULBERSON bore in on that statement. MCCAU may have been pushing to end the briefing because they had gotten the answers to their questions. However, he and POE wanted to make absolutely sure. They asked it a couple of different ways and DHS advised that they had sworn statements to back up the information. DHS advised they would provide the information "as soon as possible." CULBERSON asked about the trial transcripts, and DHS told them that they had not been transcribed so they would have to wait. CULBERSON believes that DHS "strung" them along until the Democrats took office.

According to CULBERSON the DHS story defies belief because what law enforcement officer would not say they were in fear for his or her life after a shooting incident. REDMAN was "rock solid" in her belief about what she was saying. REDMAN knew the purpose of the meeting and knew that POE and CULBERSON would launch immediately to look into the prosecution if RAMOS and COMPEAN were not "rogue" cops. It would have been impossible for REDMAN not to know the impact of the statements she made.

CULBERSON admits that it is absolutely possible to make a mistake at the briefing; however DHS should have corrected the misstatement much sooner. CULBERSON found out the statements were wrong at the hearing in which Inspector General RICHARD SKINNER (SKINNER) testified.

CULBERSON recalls some general promises about when the materials (Report of Investigation) would be released. CULBERSON does not believe he ever received a response from DHS. CULBERSON never saw the ROI. CULBERSON had heard that the Mexican Government called for the initiation of the investigation.

DHS was already present at the meeting when he arrived. They did not seem surprised by the number of people in attendance. No warnings were given by DHS about the information only being "For Official Use Only." [redacted] from his staff prepared a memo which

provided a synopsis of the briefing. The memo was not confidential and could be provided to the press if they requested it. CULBERSON probably told a local talk show host in Houston that RAMOS and COMPEAN were "rogue cops" and to get the word out to his constituents.

CULBERSON maintains that DHS was not "set up." He asked a lot of questions and was aggressive but never impolite. If someone from DHS had just called them to tell them the information was not accurate, that would have been the end of the matter. No one from MCCAU's staff called to advise his office that the information was inaccurate. When he heard about Inspector General RICHARD SKINNER's testimony he was very upset and found MCCAU on the House Floor to express his concern.

Congressman KENNY MARCHANT did not say much at the meeting.

After CULBERSON advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: Michael T. McCaul

TITLE: United States Congressman

DATE OF INTERVIEW: July 18, 2007

INTERVIEWED BY: Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER: HQ-5099-0001

LOCATION OF INTERVIEW: 131 Cannon House Office Building
Washington, DC 20515

TELEPHONE NUMBER: (202) 225-2401

On July 18, 2007, Congressman MICHAEL T. MCCAUL (MCCAUL) from the 10th District of Texas was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine MCCAUL's knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, MCCAUL voluntarily provided the following information:

MCCAUL had previously been an Assistant United States Attorney, and served as the Chief of Counterterrorism in the Western District of Texas where RAMOS and COMPEAN were prosecuted.

MCCAUL was a friend of the U.S. Attorney JOHNNY SUTTON.

MCCAUL at the time of the briefing served as the Chairman of the Subcommittee on Management, Investigations and Oversight for the House of Representatives' Homeland Security Committee. His office began receiving calls from constituents in his district. He is responsible for handling issues related to the U.S. Border Patrol and wanted a briefing on the RAMOS and COMPEAN issue.

The trial had taken place and RAMOS and COMPEAN were convicted. He asked [redacted] to coordinate a briefing on the investigation. MCCAUL

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believes he asked for the briefing in his official role as Chairman of the Subcommittee. The normal way to set up these briefings would be to go directly to the agency staff to request the briefing. Congressman TED POE (POE) and JOHN CULBERSON (CULBERSON) were extremely vocal on the issue. MCCAUL believed it would be constructive to have them hear the evidence in the investigation. MCCAUL could not recall whether the rest of the Subcommittee was invited.

MCCAUL stated this was not an attempt to "set DHS up." POE was a former state prosecutor and judge, and CULBERSON was an attorney. They were not privy to the evidence relied upon in the case and it would be beneficial for them to hear it.

MCCAUL did not think DHS seemed surprised by the individuals who were in attendance at the briefing. MCCAUL and RICHARD SKINNER (SKINNER) had worked together before and a good relationship.

MCCAUL recalls the statements that were made at the briefing. The first statement was that RAMOS and COMPEAN stated that they wanted "to shoot a Mexican." The statement was said more than two times and it was extremely inflammatory and persuasive.

Both JIM TAYLOR (TAYLOR) and LISA REDMAN (REDMAN) spoke during the briefing. MCCAUL did not recall TAMARA FAULKNER (FAULKNER) speaking during the briefing.

The other statements that were made during the briefing were RAMOS and COMPEAN knew the subject was unarmed and they were not in fear for their lives. MCCAUL advised them that they could put all of this to rest if they were provided with a copy of the Report of Investigation (ROI). MCCAUL could not recall who told him that the ROI would not be available until after sentencing.

After the sentencing MCCAUL requested the report. However he did not receive a copy of the report. After the New Year, (2007) he had a conversation with DHS Inspector General RICHARD SKINNER (SKINNER), who told him that since he was no longer the Chair of the Subcommittee, they can not legally provide the report. He would have to request the ROI through the Freedom of Information Act (FOIA.) MCCAUL said he was very irritated when he was told to request the ROI through FOIA.

When he did finally receive a copy of the ROI, it did not contain the statements that were made by DHS at the September 26, 2006 briefing.

MCCAUL has worked with law enforcement agencies in the past and has always given them the benefit of the doubt. REDMAN was very passionate in presentation of the information. The statement contained within the ROI was not consistent with what they were told in the briefing.

MCCAUL stated that misstatements raised staff concerns, and they were looking into calling for an investigation and holding a hearing on the matter.

SKINNER testified before the Homeland Security Committee on the issue and stated that the misrepresentations were not deliberate and that they were also made to him.

MCCAUL followed up with a letter to SKINNER on the issue.

MCCAUL did not recall any instruction from DHS on how the information from the hearing should be handled. The whole purpose for holding the briefing was to alleviate concerns he had regarding the prosecution. MCCAUL did not release any of the information to the media.

After MCCAUL advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED:

TITLE:

DATE OF INTERVIEW:

August 17, 2007

INTERVIEWED BY:

Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER:

HQ-5099-0001

LOCATION OF INTERVIEW:

TELEPHONE NUMBER:

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On August 18, 2007, [redacted]

[redacted] was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine [redacted] knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers [redacted] voluntarily provided the following information:

[redacted]

[redacted] advised that she first became aware of the RAMOS and COMPEAN investigation in August 2006 when several news reports were published. [redacted] had been working on holding several hearings in Texas regarding the status of immigration at the border [redacted] had never been to the border prior to January 2006. The hearings were intended to assist the Subcommittee which was also planning to issue a report on the immigration issues around the border. [redacted] met with many of the local sheriffs on the Texas border to determine why the border was so porous. The general feeling was that law enforcement on the border were outgunned and outmanned. According to [redacted] in February 2006, a study done at the border showed that [redacted] q

violence against Border Patrol Agents (BPAs) was up by at least 108%. While working on this issue she spoke with T.J. BONNER (BONNER), Union President for the Border Patrol on several occasions. BONNER advised that the union had started a legal defense fund for RAMOS and COMPEAN. Initially, BONNER was not emotional about the issue and he said he would try harder to gain Congressional support. In September 2006, he began to be more emphatic. Around this same time [redacted] met with Friends of the Border Patrol.

Agent's note: The Friends of the Border Patrol is a law enforcement advocacy group for officers and agents who are assigned to the U.S. Border.

BONNER and the Friends of the Border Patrol had raised several issues related to the RAMOS and COMPEAN investigation. For example a hunting party was "out to get the BPAs who shot OSVALDO ALDRETE-DAVILA (ALDRETE-DAVILA). [redacted]

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[redacted] went to the website for the U.S. Attorney's Office in the Western District of Texas and reviewed the press release they had posted regarding RAMOS and COMPEAN. The criminal case was closed but there were appeals ongoing. The sentencing of RAMOS and COMPEAN had been postponed. [redacted] talked to the DHS OIG and believes they referred her to the U.S. Department of Justice. [redacted] had a friend on the House Judiciary Committee and he told [redacted] he would be holding a hearing. The Subcommittee was receiving pressure to hold a hearing as well. The Friends of the Border Patrol were pushing for a hearing on the investigation. Congressman MICHAEL MCCAUL (MCCAUL), who at the time was the Chairman of the Subcommittee was busy trying to complete the report on the status of immigration at the border and did not want to hold a hearing. The report was due to be issued in mid-October 2006.

[redacted] contacted TAMARA FAULKNER (FAULKNER) a few weeks prior to the September 26, 2006 briefing. FAULKNER was unhelpful. [redacted] left a voicemail for ELIZABETH REDMAN (REDMAN) and did not get a call back. Someone from DHS-OIG [redacted] could not recall who, did get back to her and tell her that there would be no briefing with REDMAN. At the same time [redacted] MCCAUL's [redacted] was calling asking for contacts. [redacted] contacted JAMES TAYLOR (TAYLOR), Deputy Inspector General, on behalf of MCCAUL. [redacted] had worked with TAYLOR previously on other Federal Emergency Management Agency issues after Hurricane Katrina. [redacted] advised TAYLOR that MCCAUL was getting hit with questions from press especially from [redacted] a local radio talk show host back in Texas. TAYLOR agreed to the briefing. [redacted] contacted TAYLOR a day or so before the briefing to advise him that there would be members from the Texas Delegation in attendance.

The meeting was held in the ante-room of the Majority Conference Room outside the Homeland Security Committee hearing room. It was not held in MCCAUL's office because there was not enough space. TAYLOR started off the meeting for DHS and REDMAN did most of the briefing. [redacted] does not recall if FAULKNER was present at the meeting. Congressmen

TED POE (POE), JOHN CULBERSON (CULBERSON), KENNY MARCHANT (MARCHANT) and MCCAUL were present. Additionally [redacted] remembers MCCAUL staffers [redacted] and [redacted] were also present. [redacted] does not recall who said that RAMOS and COMPEAN "wanted to shoot a Mexican." She recalls that RAMOS and COMPEAN knowingly shot an unarmed man, and they were not in fear for their lives. When the statement was made "wanted to shoot a Mexican," one of the Congressman asked where did they say it, in trial or in a statement to the OIG? [redacted] did not recall the response. They were told by DHS that they could have a copy of the Report of Investigation (ROI) after the sentencing and that all the information they had briefed would be contained in the ROI.

The transcript was not available at the time of the briefing. [redacted] may have had a few conversations with TAYLOR after the September 26th briefing. Back in Texas, there were media reports about what had been said at the briefing. No one ever said that the information provided at the briefing could not be released outside the of the briefing.

POE walked out in the middle of the meeting. He was angry about the indictments and subsequent convictions of RAMOS and COMPEAN as well as the involvement of the Mexican Consulate. POE was the only one who was a little hostile at the briefing. [redacted] was shocked at POE's behavior. [redacted] would not have gone to the media, but believes it should have been made clear if the information could not be released outside the briefing.

[redacted] had been at classified briefings with the Federal Bureau of Investigation and it was understood that the information could not be released. However, it was also explicitly stated.

[redacted] and [redacted] both contacted TAYLOR after the sentencing to obtain a copy of the ROI. [redacted] told TAYLOR that MCCAUL and staff did not contact the media. Outside groups called [redacted] to advise that RAMOS never signed a statement. [redacted] contacted TAYLOR after she received this call and believes TAYLOR may have confirmed that RAMOS did not make a statement. [redacted] was also speaking with TAYLOR and can not recall if [redacted] or TAYLOR told her the statements from the briefing were inaccurate. TAYLOR had also advised that RAMOS was not the "good guy" everyone was making him out to be. [redacted]
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[redacted] She was not involved in any subsequent attempts to get copies of the ROI and could not provide any additional information regarding when the ROI was finally provided.

[redacted] thought that TAYLOR was trying to be helpful throughout the entire matter. She would be shocked if the statements made by DHS were intentionally false. [redacted] did not trust FAULKNER.
[redacted]

After [redacted] advised that Reporting Agents could contact her with follow-up questions, the interview was concluded.

SIGNED SWORN OR AFFIRMED STATEMENT

June 4, 2008
Washington, D.C.

I, ELIZABETH REDMAN, being first duly sworn on oath, make the following statement freely and voluntarily to Senior Special Agent [REDACTED] of the United States Department of Agriculture (USDA), Office of Inspector General (OIG), knowing that this statement may be used in evidence. I understand that this statement is not confidential and may be shown to any party who has an official interest.

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I understand I am being interviewed about my knowledge of the IGNACIO RAMOS ("RAMOS") and JOSE COMPEAN ("COMPEAN") Investigation, the associated Report of Investigation, and statements I made before the House Subcommittee on Management, Investigations, and Oversight, Committee on Homeland Security on September 26, 2006.

My full name is ELIZABETH MURPHY REDMAN. I am currently living at [REDACTED]
[REDACTED] and my telephone number is [REDACTED] I was employed by the United States Department of Homeland Security (DHS) OIG, Office of Investigations (OI) from March 2003, until I retired in June 2007. Prior to the DHS, I was employed by the U.S. Treasury Department, OIG from 1995 until March 2003. At the Treasury Department I served as the Deputy AIG/I, and my last six months there were spent as the Acting AIG/I.

Upon beginning work for the DHS OIG, I established the structure of the OI. All of the former Federal Emergency Management Agency OIG, OIs; the Department of Treasury OIG, OIs (with the exception of the Washington Field Office); and some Department of Justice (DOJ) OIG, OIs were transferred into the DHS OIG, OI and placed under my supervision.

I was responsible for establishing the agency's regional offices. When I was hired there were 16 regional offices across the country. At the time of my retirement that number had grown to 25. The regional offices were managed by one of two deputies depending on their geographic location. One deputy managed the offices located in the eastern half of the country, and the other deputy managed

the offices located in the western half of the country. Each deputy had eight regional offices (and corresponding suboffices) under his supervision, and each deputy reported directly to me. In addition to the aforementioned deputies, there were also GS-15 Special Agents-in-Charge (SACs) working in various positions in Headquarters to include the DHS OIG, Hotline. The structure I established is still in place today.

I became aware of the RAMOS-COMPEAN Investigation ("Investigation") within a day or two of it being opened as a case in March 2005. One of my responsibilities as the AIG/I was to compile information on all of the open investigations and present a synopsis of each on a monthly basis to the Inspector General (IG). Others who had access to this monthly report were the Deputy IG JIM TAYLOR ("TAYLOR") – my immediate supervisor, and the Counsel to the IG RICHARD REBACK ("REBACK"). I was positive that the IG was aware of the Investigation because I included a summary of the investigative facts in my monthly report.

The Investigation also attracted headquarters attention because a bullet had to be removed from the buttocks of the shooting victim, OSVALDO ALDRETE-DAVILA ("ALDRETE-DAVILA"), to be used as evidence and the IG had to grant me the authority to spend OIG resources for that purpose. The surgical procedure was performed by a U.S. Army medical doctor at no cost; however, ALDRETE-DAVILA's hospital recovery was not free of charge. The DHS OIG, OI had agreed to pay for the hospital stay, but there was no cost code for that type of expense. Therefore, I sent an email to the IG requesting his authority to authorize this unusual expenditure. He approved this expense via email and directed the AIG for Administrative Services to approve this allocation under the OI cost code.

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The shooting of ALDRETE-DAVILA occurred in February 2005; arrest warrants were issued for RAMOS and COMPEAN on March 18, 2005; and indictments were returned against them in April 2005. In February 2006, RAMOS and COMPEAN stood trial for the shooting of ALDRETE-DAVILA. The trial lasted three weeks, and they were convicted of every charge with the exception of attempted murder. I, along with the other Headquarters' Investigation's personnel, were elated at the outcome of the trial. The IG and the Deputy IG did not indicate to me their reaction to the trial verdict.

The DOJ issued several press releases about the RAMOS and COMPEAN case. Once RAMOS and COMPEAN were sentenced the local media stepped up their coverage of the case. The United States Attorney for the Western District of Texas, JOHNNY SUTTON, issued the press release because there was a media movement that was gaining momentum for RAMOS and COMPEAN to receive little or no punishment for what they had done to ALDRETE-DAVILA.

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I played no part in the drafting of the DOJ press releases; however, [redacted]
[redacted] had the opportunity to review it and check its facts for accuracy in advance of its issuance. [redacted] sent copies of it to me so that I would be kept up-to-date regarding its progress and contents.

I was aware that there was a policy regarding the handling of all OIG press releases and it was contained in the DHS OIG, OI Special Agent Handbook. The Handbook was prepared under my direction and supervision in 2003. That policy stated that any media inquiries or drafts involving a press release were to be referred to the DHS OIG Congressional Affairs Liaison, who at that time was TAMARA FAULKNER ("FAULKNER").

I have had contact with Congressional staffers with respect to the Investigation. I had spoken with [redacted]

[redacted] (a committee staff person for Congressman MICHAEL MC CAUL's ("MC CAUL") staff) prior to the briefing on September 26, 2006, a [redacted] initiation. At no time during this brief telephonic contact did I know that there would be a briefing before members of Congress and their staff. [redacted] explained to me that she had unsuccessfully tried to contact FAULKNER in an effort to get answers to questions she had about the Investigation. When [redacted] was unable to reach FAULKNER, she called me. I referred [redacted] back to FAULKNER and to the DOJ for answers to her questions. I do not know if [redacted] was ultimately successful (or not) in her attempts to contact FAULKNER. I informed TAYLOR by email of this contact immediately following her call to me, and I copied Faulkner on this email.

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At 9:30 A.M. on the morning of September 26, 2006, TAYLOR came to my office and informed me that I was going to accompany him and FAULKNER to "the Hill" for a briefing at 2:00 pm that day during which I would be the primary briefer on the RAMOS-COMPEAN investigation. I protested that there was insufficient time for me to prepare and I also questioned him as to the purpose of the briefing since the case still remained open and there was little that our office could say until the case was closed. He listened to my concerns but stated that he had agreed to give the briefing and that it would take place as scheduled. I had only four hours to prepare so I immediately contacted my Deputy in charge of the Western Region (STEVE LAFERTY) and requested that he contact [redacted] and CHRIS SANCHEZ ("SANCHEZ") (the Investigation's case agent). I wanted [redacted] and SANCHEZ to be available to answer questions I had about the Investigation, and to provide me with any case related "open source" (public) documents from the DOJ that I could review prior to the Briefing.

Ema
6-4-08

I wanted to use only "open source" information because the policy I established for OI as the AIGI, consistent with that of all other OIGs for whom I have worked or with which I was familiar, is never to report information on cases that are still open as doing so could possibly prejudice the criminal or administrative outcome of the case. In this specific case, while the jury had rendered its verdict the sentencing had not yet occurred nor had any administrative discipline been meted out to the more than half dozen subjects of this case; including RAMOS and COMPEAN. Nonetheless, I knew that I would be required to provide the attendees at the Briefing some information; therefore, I knew I needed "open source" material to discuss.

Prior to attending the Briefing, I advised TAYLOR that we should not be having the briefing at all. I was very uncomfortable and hesitant about providing any information on an open investigation. TAYLOR told me that the briefing attendees were only going to use the information to bolster their knowledge about the Investigation. This did not ease my concerns nor was TAYLOR able to identify who would be attending the briefing. As I recall, he said that FAULKNER would be acquiring the attendee information. I still felt that it was inappropriate to give the Briefing and I expressed my concerns to TAYLOR.

The Briefing was held at 2:00 P.M. in the Cannon House Office Building. FAULKNER, TAYLOR and I departed our building at 1:30 pm and traveled together in the IG's government car, driven by the IG's driver. Either TAYLOR or FAULKNER would have been responsible for communicating with [redacted] on the time and the place for the Briefing, and TAYLOR was the one who discussed details of the Briefing with [redacted]. I did not know the building room number until we arrived at the Cannon building.

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Deny

TAYLOR, FAULKNER and I were there as representatives of the DHS OIG, OI. The door to the briefing room was open, and there were several people already in the room when we arrived. At that time, I did not know if there were any Congressmen in the room upon our arrival or not, nor did I know the identities of anyone present other than [redacted] who introduced herself. Although I was never informed as to whether the briefing was "open" or "closed" I planned to treat it as if it was an "open" briefing, meaning that I would not say anything that had not already been made public in the DOJ press releases. A closed briefing, in my experience, involves briefing members of congress on a matter within their official committee jurisdiction and is conducted only after all attendees sign an attendance sheet and their "need to know" is confirmed by the congressional affairs liaison. Since that did not happen in this case, and because up to two dozen unidentified people flowed in and out of the briefing room while I was speaking, my personal belief was that this was an "open" briefing and I treated it as such.

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Once the Briefing began, there were four Congressmen who introduced themselves: MC CAUL, TED POE ("POE"), JOHN CULBERSON ("CULBERSON") and KENNY MARCHANT ("MARCHANT"). All the representatives were from the state of Texas. At that time, I did not realize that the aforementioned Congressmen were all representatives from the state of Texas. I later discovered this to be the case when I returned to the office and looked them up in my congressional guidebook.

I did not know if the Briefing was called on behalf of the "Texas Delegation" (a name given to this group in media accounts) or the Subcommittee on Investigations-Homeland Security Committee. I was not told at the Briefing, and I still do not know at the time I am signing this statement. I thought the only thing I would be discussing at the Briefing was the Investigation.

I had come to the Briefing prepared to provide open source information about the case and this is a function with which I was fully familiar and comfortable and which I gained over a number of years of experience as a law enforcement official. On numerous prior occasions I had briefed members of Congress and their staff on investigations under my responsibility so I believed I was fully prepared to provide a brief open-source oral narrative of how this case started, what resulted, and the status as of that day. However, it quickly became apparent that the Congressmen were not interested in background and status information as I had been lead to believe by FAULKNER and TAYLOR.

After MC CAUL opened the Briefing with a few remarks, he invited me to begin my briefing but I said only a few words before POE cut me off and directly asked me "Exactly what did those boys (I *assume* by "boys" he was referring to RAMOS and COMPEAN) do wrong?" The question POE asked, and the aggressive manner in which he asked his questions, seemed to set the tone for the entire Briefing. I responded by saying that what they did "wrong" was that RAMOS and COMPEAN were found guilty at trial on 11 counts. However, before I could finish my statement, POE interrupted by saying that RAMOS and COMPEAN "were heroes." POE then abruptly got up from the table, left the room without a word, and never returned. POE's departure occurred approximately 10 minutes after the start of the briefing. At that point, MC CAUL took over the bulk of the questioning.

Initially, MC CAUL's questions were about the upcoming sentencing, and why the DOJ wanted the case to be prosecuted. MC CAUL told me that he and SUTTON were close friends, and that the press release provided by SUTTON's office raised more questions about the Investigation than it answered. Furthermore, MC CAUL repeatedly asked me what length of sentence I felt RAMOS and COMPEAN should receive? Each time that question was asked, I declined to answer and advised MC CAUL that sentencing was out of my purview. I told him it was my job as an investigator to

make sure a case was properly resolved and to ensure that our agents assisted the prosecution during trial; it was not my job to decide what was "fair" or not during the sentencing phase.

CULBERSON asked me to describe specific investigative details about the Investigation; however, I was unable to directly answer those questions because the Report of Investigation (ROI) had not been completed at the time of the Briefing so I did not have minute details as to certain facts nor would I have revealed them, if known, unless they were part of DOJ's previous press releases. Not having the ability to review the ROI hindered my efforts to cite specifics and answer

CULBERSON's questions about such things as the physical location of each of the Border Patrol Agents at the time of the shooting, the relative location of RAMOS and COMPEAN to each other and to the victim at each juncture of their contact, the location of the vega with respect to each person, the location of the victim's van, etc. That level of detail and those types of questions are not typically asked, or answered, during a congressional briefing so I was quite surprised by the questions and the tone.

MARCHANT may have only asked one question during the Briefing. The Congressmen's staffers did ask follow-up questions.

I stated at the Briefing that they (RAMOS and COMPEAN) intended to shoot the Mexican. I explained my choice of words by saying that I had been on the telephone earlier that day with [redacted] and SANCHEZ gathering facts related to the Investigation. During our conversation the words "Mexican" and "alien" had been used interchangeably. In fact, the victim was a Mexican, and an alien, and in my review of what occurred during the trial, based upon almost daily email updates during the trial from [redacted], it was my conclusion that clearly the jury, based upon their verdict, believed that RAMOS intended to "shoot the Mexican" and to cover up the shooting. Because I did

not have the opportunity to review the ROI prior to the Briefing, as it had not yet been written, I was unable to quote exactly what was said by RAMOS or COMPEAN with regard to this statement. When I later received the ROI I saw that COMPEAN stated he intended to "kill the alien." In my view, the two phrases regarding the intent to "shoot the Mexican" or "kill the alien" are virtually the same.

While I cannot recall the exact language used by RAMOS and COMPEAN during their trial, I recall that the essence of their testimony indicated that they intended to kill ALDRETE-DAVILA, not any Mexican in general. At their trial, the jury clearly believed, as evidenced by their verdict, that RAMOS and COMPEAN were out to specifically kill ALDRETE-DAVILA (the Mexican in question) because of their altercation with him on the vega. The jury did not believe that RAMOS and COMPEAN were out to kill any random Mexican they may have come across that day. I believe that the issue regarding the verbiage of the statement occurred because the language of the phrase had become twisted and convoluted over time into shooting *a* Mexican, meaning any Mexican in general, versus shooting *the* Mexican, referring specifically to ALDRETE-DAVILA.

One of the Congressmen asked me "if the Mexican was armed?" I responded "No, the alien was not armed." One of the Congressmen said RAMOS and COMPEAN thought ALDRETE-DAVILA *was* armed because they said they "might have seen something shiny in ALDRETE-DAVILA's left hand." I countered by saying "No, the agents (RAMOS and COMPEAN) knew ALDRETE-DAVILA was not armed because they (RAMOS and COMPEAN) made no attempt to take cover" as would/should be the case if they were faced with an armed assailant, as all agents are trained to do, nor did they attempt to warn their arriving fellow agents of an armed assailant; which all agents are also trained to do.

It was clear to me, again based upon the jury's verdict, that RAMOS and COMPEAN were not in fear of their lives because their actions, or lack thereof, were not indicative of Agents who felt their lives were in danger. Furthermore, RAMOS and COMPEAN did not tell any of their fellow agents at the scene that they were afraid for their lives. At their trial, RAMOS and COMPEAN both took the witness stand and stated that ALDRETE-DAVILA raised both of his arms with his palms open when directed to do so and they saw nothing in his hands, so they confirmed he was not armed during their confrontation.

I told the Congressmen that my office would not be able to provide a copy of the ROI until it was completed, and that it would not be released to Customs and Border Protection until after RAMOS and COMPEAN had been sentenced. However, TAYLOR told the Congressmen that they would receive a copy as soon as it was completed.

I explained that after the ROI was completed, and per DHS practice, the ROI would be sent under cover of a memorandum from me to the U.S. Customs and Border Protection (CBP), a component of the DHS and for whom RAMOS and COMPEAN worked, to be used in administrative action(s) against RAMOS and COMPEAN and other BPAs involved in the Investigation, at CBP's option. The memo from me would inform CBP that they had 30 days in which to take administrative action or to decide that no action was warranted and, per DHS and OIG protocol, the official closing of the case and the issuance of the ROI to qualified parties would be held in abeyance for that time period or until CBP responded in writing as to their final actions in the matter.

After CBP had taken whatever action they deemed necessary, the ROI was ready for release. However, I did not know if a redacted or unredacted version would be sent to the House Committee as ROI releasability was a decision normally made by the IG and/or REBACK.

I left the Briefing knowing that MC CAUL, per DOJ policy, would be the only one who would be able to legally receive a copy of the ROI because of his position as the Chairman of the sub-Committee. I did not know if the other Committee members were familiar with that policy or whether they may have thought that they would have been entitled to receive an individual copy for themselves regardless of their committee status.

FAULKNER did not say anything but her name at the Briefing. If any debriefing sessions occurred with FAULKNER and TAYLOR after the Briefing, I was not in attendance.

I did not mislead the members of Congress and their staff or anyone else with regard to the facts of the Investigation, nor did I attempt to portray RAMOS and COMPEAN in a more negative light in an effort to halt any discussions about future hearings/briefings on the Investigation.

I did use the term "rogue agent" to describe both RAMOS and COMPEAN. I also said that they were both convicted on 11 of the charges they faced and that by their criminal actions they dishonored their profession and the higher standard to which law enforcement agents are held.

In my law enforcement experience, it was not unusual for members of Congress to request meetings/briefings on matters under their specific committee jurisdiction; however, in my experience it was highly unusual for those requests to be honored while a case was still open. I believe TAYLOR's inexperience as a DIG was a contributing factor for the occurrence of the Briefing but that could have been mitigated if FAULKNER had performed her official function of ascertaining either the agenda or the identities of the attendees at the briefing. TAYLOR might not have agreed to the briefing if the nature and scope had been properly "vetted" by FAULKNER.

The ROI was issued to CBP by me on November 21, 2006, after it was extensively reviewed by TAYLOR and REBACK who made many changes to it. The phrase "shoot a Mexican" was not in the ROI but the phrase "kill the alien" was, and I did not see a discernable difference between the two statements when I spoke at the Briefing nor did I know the exact language used by COMPEAN until I received the first draft of the ROI; well after the briefing. I used the words "shoot the Mexican" several times during the Briefing; however, the actual language used in the ROI, which was not prepared until after my briefing, was that RAMOS and COMPEAN intended to "kill the alien."

Because the phrase "shoot the Mexican" did not appear in the ROI, some members of Congress may have wondered if DHS OIG, OI was trying to cover up some facts of the Investigation by not putting something in the ROI that I spoke about during the Briefing. Some of the Congressmans' staffers may have interpreted my choice of words as meaning that RAMOS and COMPEAN were intent upon shooting any Mexican that day, whomever that person may be, and not specifically ALDRETE-DAVILA.

I first heard that the phrase "shoot a Mexican" was an issue when I received emails from [redacted] a day or two after the briefing in which he said he had gotten a call from SUTTON's office, which in turn had gotten a written query from an unknown congressional staffer who was allegedly at the briefing and who had allegedly heard me use those words. The staffer in question contacted SUTTON's office and said that my statements contradicted what was actually discovered during the Investigation. After learning this, SUTTON's office contacted [redacted] and informed him of what was said by the staffer. [redacted] then contacted me and told me of the discrepancy. It was not clear to me, then or now, what the staffer meant by what was "discovered" in the investigation, and by whom, nor why they chose to parse the words I actually used. I do not know if the staffers were

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made aware that the "shoot a Mexican" comment was not verified by the information that appeared in the ROI two months later.

During the ROI review process in November, REBACK wanted a management statement inserted in the ROI addressing the discrepancy between "shoot the Mexican" versus "kill the alien." I declined that request because it is inappropriate to include anything other than facts in an ROI and policy and practice should not be changed for political concerns. TAYLOR supported my decision to stick to the facts and no such language was included.

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I did not take notes during the Briefing because I was attempting to conduct a briefing while the members of Congress and their staffers in attendance were directing virtually all of their questions to me. I was the primary speaker for the DHS OIG and I assumed that FAULKNER, whose job was to take notes at congressional meetings, would provide me with a copy of her notes at a later date. I never received any notes or documents from FAULKNER describing the meeting in any fashion, nor did she ever respond to my written requests for a full list of attendees. Upon my return to my office I did record notes based on my recollection of what was discussed that day. I then sent an e-mail message to LAFERTY [REDACTED] and GERRY COFFMAN (Deputy of the Eastern Region) describing the day's events.

I was in attendance at meetings with the IG, Deputy IG, and REBACK that involved discussions about delaying the release of the ROI; however, I was not involved in any decisions regarding when or whether it would be provided to members of Congress. I was adamant during these meetings that CBP must have their traditional 30 days to complete their administrative actions prior to the release of the ROI to outside parties.

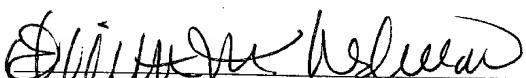
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EWS

Per established protocol, I wanted the Investigation to remain open until administrative dispositions were reached on all (I think it's 9 total) BPAs involved in the Investigation. Most of the administrative decisions were not reached until February 2007; however, the ROI was provided to the House Committee by REPACK on January 25, 2007. The ROI was presented to Congressman CHRIS CARNEY ("CARNEY") who by then was the Chairman of the House Committee. CARNEY had replaced MC CAUL as the Chairman after the November 2006 congressional elections had caused MC CAUL to lose his position as Chairman of the Subcommittee on Investigations.

On February 7, 2007, the DHS IG, RICHARD SKINNER, testified before Congressman HENRY WAXMAN regarding the possibility that members of his staff may have inadvertently made inaccurate comments to the members of Congress and their staff. Later that month, after I returned from a vacation, SKINNER told me that TAYLOR, FAULKNER and I would be the subject of both an internal DHS OIG, Inspection Division investigation, and a President's Council on Integrity and Efficiency investigation in an effort to discover if inaccurate information was purposefully provided to members of Congress.

I have read this statement consisting of 14 pages, and it is true and correct. I have signed and dated each page and have been given the opportunity to make any corrections or additions.

Sworn to and subscribed before me this fourth day of June 2008.



Elizabeth M. Redman
Former AIGI/DHS-OIG

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Senior Special Agent
USDA OIG/Investigations Division

EXHIBIT 10
14 OF 14
6-408
Euw

SIGNED SWORN OR AFFIRMED STATEMENT

June 9, 2008
Washington, D.C.

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I, TAMARA FAULKNER, being first duly sworn on oath, make the following statement freely and voluntarily to Senior Special Agent [REDACTED] of the United States Department of Agriculture (USDA), Office of Inspector General (OIG), knowing that this statement may be used in evidence. I understand that this statement is not confidential and may be shown to any party who has an official interest.

I understand I am being interviewed about my knowledge of the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) Investigation, the associated Report of Investigation, and statements that were made to members of Congress during a closed briefing on September 26, 2006. I have been advised of my rights and responsibilities in connection with this inquiry as set forth on a Warning and Assurance Form (Kalkines Warning) which I have read and freely signed.

My name is TAMARA FAULKNER and I was employed by the DHS OIG from June 2003 through April 26, 2008, as the Congressional and Media Liaison (CML). Immediately prior to working for the DHS OIG, I was employed by the Department of State as a Legislative Management Officer.

I became aware of the RAMOS and COMPEAN Investigation (Investigation) during late summer 2006. JIM TAYLOR (TAYLOR), Deputy Inspector General (DIG) for the DHS OIG, communicated directly with congressional staff and agreed to accept the invitation to brief members on the open investigation. The briefing took place on September 26, 2006. Normal DHS OIG protocol was for me to be the point person on all congressional matters, including the arrangement of briefings. However, in this instance it was TAYLOR who arranged the briefing by talking directly with [REDACTED] a staff member for then Chairman MICHAEL MCCUAUL of the House Subcommittee on Investigations, Oversight and Management. I did not communicate with the Congress regarding scheduling such a briefing, I

Exhibit 11
1 of 6

Tamara Faulkner

did not receive the request to meet, I did not confirm the briefing with the Hill, nor did I participate in any OIG pre-briefing discussions.

I did not know about the Briefing until the day it was scheduled. TAYLOR informed me that morning (Tuesday, September 26, 2006), that he had agreed that he and ELIZABETH REDMAN (REDMAN) (DHS OIG Assistant Inspector General / Investigations - AIG/I) would brief House members later that day. I was aware that the meeting was with then Chairman MCCAUL but do not recall if TAYLOR mentioned names of other members who planned to attend. I do not recall if TAYLOR cautioned the members and attending staff about the information being "For Official Use Only," or whether or not it could be released to the public.

Once I became aware of the Briefing, I emailed RICHARD REBACK, Counsel to the Inspector General (IG), to inquire as to whether he was intending to accompany TAYLOR and REDMAN to the member briefing. REBACK was unaware of the Briefing prior to my inquiry. I did not contact any other member of the OIG, including REDMAN, about the Briefing.

Had I been consulted early on, I would have opposed the briefing as contrary to office policy not to brief on an open investigation. However, once a decision to brief was made, the usual practice is that I would have ascertained its' purpose; determined who our briefers would be meeting with (congressional members or only their staff); arranged for an internal DHS OIG pre-meeting discussion about the Briefing prior to it occurring; and determined the subject matter and scope of the Briefing. My job was to make sure that there would be no surprises at events like this. For this briefing, I was not given the opportunity to perform the usual due diligence.

Exhibit 11

[redacted]
[redacted] communicated directly with TAYLOR regarding the investigation and in arranging the Briefing.

Upon learning of the member briefing I sought permission from TAYLOR to attend, as the OIG congressional liaison. Representing the OIG at the briefing was REDMAN, TAYLOR, and me. I took notes. I did not comment during the Briefing.

Members attending the briefing included Congressmen TED POE (POE), JOHN CULBERSON (CULBERSON), KENNY MARCHANT (MARCHANT) and MCCAUL – all Republican members of the Texas delegation. Staff representing the members were also present. Of the four members, MCCAUL was the only member of the Subcommittee on Management, Investigations, and Oversight.

I do not recall anyone setting the “ground rules” for the meeting with regard to the release of the information that was discussed. Once the Briefing began, I do not recall if anyone said anything about the information remaining confidential to those in the room. I do not recall if anyone said the Briefing was a “closed source meeting,” and that whatever was discussed should not be released to the public. My notes from the briefing indicated MCCAUL, noting that as a former prosecutor, ^{TP} ~~he~~ did not want to interfere in the case, but that he wanted help in understanding the case so that he could better respond to inquiries and requests for hearings. REDMAN then began to lay out OIGs involvement in the case.

I do not recall REDMAN making a statement about RAMOS and COMPEAN being “in fear for their lives;” however, I do recall REDMAN saying that RAMOS and COMPEAN “wanted to

shoot a Mexican." I sensed that the Congressmen were not happy with the information REDMAN was giving them, as POE and CULBERSON were particularly vocal about the phrase wanting to "shoot a Mexican." The Congressmen said "we can't believe they (RAMOS and COMPEAN) woke up one morning and said they wanted to shoot a Mexican." However, REDMAN did not say that. REDMAN said that RAMOS and COMPEAN wanted to "shoot a Mexican."

The Congressmen mischaracterized what REDMAN said about RAMOS and COMPEAN wanting to shoot a Mexican. REDMAN did not say that they made a conscious, premeditated decision to shoot any random Mexican that day, just that they intended to shoot the particular/specific Mexican they were interacting with at the time the incident occurred.

POE left the Briefing prior to its conclusion. Congressional briefings typically last approximately one hour.

The Congressmen wanted something in writing from the DHS OIG explaining what was happening with the Investigation. I believe TAYLOR agreed to provide a copy of the Report of Investigation (ROI). No timetable was discussed for the release of the ROI. I do not recall a discussion about attempting to obtain something in writing from the Department of Justice (DOJ); however, all parties expressed frustration at having to wait for DOJ to release the trial transcript.

A short time after the Briefing had concluded, TAYLOR and I commented on how "out of line" CULBERSON had been towards the end of the Briefing. At one point, CULBERSON leaned across the table, gesturing with his hand, insisting that the OIG provide something tangible for

them to take back to their constituents, because he felt "the [case] is doing a lot of damage to the Bush Administration. We've got to be given something."

RICHARD SKINNER (SKINNER) (the DHS Inspector General) and TAYLOR discussed that there "was no up-side" in making an attempt to counter all of the negative/false press that was being released and reported about the Investigation. SKINNER and TAYLOR thought that any attempt they might make to set the record straight "would just get twisted around like the other facts had been."

MCCAUL lost his Chairmanship of the House Subcommittee on Management, Investigations, and Oversight after the congressional elections in November 2006. In early January 2007, I had telephonic conversations with [REDACTED] a member of CULBERSON's staff, and [REDACTED] MCCAUL's [REDACTED] regarding requirements for release of the ROI to MCCAUL since his status had changed from chairman of a (sub)committee of jurisdiction to that of minority member. Also in January, the OIG received a request for an unredacted copy of the ROI from former Chairman MCCAUL's successor, CHRISTOPHER CARNEY (CARNEY). As the Chair of a committee/subcommittee with jurisdiction over our office, the OIG was obligated under FOIA to produce the unredacted ROI to Chairman CARNEY. I later learned that MCCAUL prevailed on the new Chairman to make the request to the OIG for the unredacted ROI. I also learned that the unredacted ROI, sent to Chairman CARNEY, was made available to both majority and minority members and staff of the House Committee on Homeland Security, of which MCCAUL was a minority member.

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Exhibit 1
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Tamara Faulkner
9.2008

I was involved in the IG's preparation to appear and testify on February 8, 2007, before Senator HENRY WAXMAN (WAXMAN) and the House Government Reform Committee on Federal Contracting, as was relevant OIG staff.

SKINNER spoke by telephone with MCCAUL in mid-January 2007, regarding the release of the ROI to the Subcommittee on Investigations since MC CAUL was no longer the Chairman.

It is my belief that there was no intent on the part of the DHS OIG to mislead or provide false information to the members of Congress or their respective staffs.

It is my belief that there was no intent on the part of the DHS OIG to make the RAMOS and COMPEAN situation seem more egregious in an effort to dissuade the possibility of future hearings on the matter.

I have read this statement consisting of six pages, and it is true and correct. I have signed and dated each page and have been given the opportunity to make any corrections or additions.

Sworn to and subscribed before me this 9th day of June 2008.

Tamara Faulkner

Tamara Faulkner
Senior Staff Aide
Office of Senator Chuck Hagel



Senior Special Agent
USDA OIG/Investigations Division

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6/6/08

Tamara Faulkner
9.2008

Faulkner, Tamara

From: Faulkner, Tamara
Sent: Tuesday, September 26, 2006 10:11 AM
To: Reback, Richard
Subject: Re. Today's Hill Briefing - Ramos-Compean Investigation

RR -

Jim Taylor just informed me that he and Lisa are briefing [redacted] and "several" Members of the House Homeland Security Committee today at 2:00 on our investigation of Ramos and Compean.

Should OC be at this briefing?

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tf

**UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: Richard Reback

TITLE: Chief Counsel
U.S. Department of Homeland Security
Office of Inspector General

DATE OF INTERVIEW: April 17, 2008

INTERVIEWED BY: Ann Coffey, SAC, USDA, OIG – SOD, and
[redacted]
SSA, USDA, OIG - SOD

CASE NUMBER: HQ-5099-0001

LOCATION OF INTERVIEW: U.S. Department of Homeland Security,
Office of Inspector General,
1120 Vermont Avenue, 12th Floor,
Northwest, Washington, D.C.

TELEPHONE NUMBER: (202) 254-4039

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On April 17, 2008, RICHARD REBACK (REBACK), Counsel to the Inspector General (IG) for the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and [redacted] Senior Special Agent, SOD from the U.S. Department of Agriculture, OIG. The interview was conducted relative to REBACK's knowledge and involvement in the September 26, 2006, briefing provided by DHS-OIG to several Members of Congress and their staff regarding the investigation of former Border Patrol Agents (BPAs) IGNACIO RAMOS and JOSE COMPEAN. After being informed of the purpose of the interview and the identity of the interviewers, REBACK provided the following information in substance:

COFFEY provided REBACK with a copy of the DHS Kalkines Warning. REBACK signed the Warning without hesitation or comment. REBACK volunteered to make himself available for any additional inquiries concerning this investigation.

His full name is RICHARD N. REBACK, and he has been employed with the DHS-OIG since March 2003. Prior to working for DHS, he was employed as the Counsel to the Inspector General (IG) at the U.S. Department of State.

REBACK was not aware of any official written policies regarding DHS-OIG congressional briefings. However, there has been an informal practice that has been developed and

consistently followed. That practice consists of the DHS-OIG, Office of Congressional Liaison being informed of a congressional meeting or briefing request and determining who from the agency should attend, the specifics of the meeting/briefing, what questions will be asked, and who will be in attendance (congressmen or just their staff members). On most occasions, if members of Congress will be in attendance the DHS IG will personally provide the briefing. The general practice within the DHS-OIG is not to provide briefings on any open matters, or any matters that are still "in draft."

REBACK is not involved in every briefing; however, he is aware of every briefing. The subject matter determines his involvement or level of involvement. Typically, either REBACK or a member of his staff will provide research and/or material for internal DHS-OIG briefings and/or meetings. If the briefing and/or meeting is external to the DHS-OIG, REBACK's office may not always provide research or material.

REBACK had no advance knowledge that a congressional briefing ("Briefing") on the RAMOS and COMPEAN Investigation ("Investigation") was going to be provided by the DHS-OIG. The first time he became aware of it was when he received an e-mail message from TAMARA FAULKNER (FAULKNER), the DHS OIG Congressional and Media Relations Liaison. REBACK was attending off-site training at the time, and he was not involved in the preparation for the Briefing. REBACK was aware of the Investigation because he was involved in discussions regarding payment for having the bullet extracted from OSVALDO ALDRETE-DAVLIA (ALDRETE-DAVILA), the shooting victim. REBACK was unable to recall when the aforementioned discussions occurred.

RAMOS and COMPEAN were convicted in March 2006, and REBACK was in attendance at meetings where the topic of the DHS-OIG issuing a press release was discussed. As mentioned previously, the typical DHS-OIG practice is not to issue press releases. However, on occasion, the DHS-OIG has provided information on their investigations to the U.S. Department of Justice (DOJ) who then issued a press release on the subject.

In August 2006, the DOJ did issue a press release that was designed to dispel the false rumors and concerns about the prosecution of the RAMOS and COMPEAN case. REBACK does not believe that he was involved in discussions relevant to that release.

REBACK had no personal conversations with any congressional member or their respective staff members regarding the RAMOS and COMPEAN case. He cannot recall if he made any recommendation to FAULKNER about his office becoming involved in the Investigation.

REBACK did not attend the Briefing, but he was in attendance at internal DHS-OIG post-Briefing meetings. JAMES TAYLOR (TAYLOR), the DHS OIG Deputy IG, was not happy with the way events unfolded at the Briefing. REBACK was unable to be more specific about what TAYLOR was unhappy about.

In either October 2006, or early November 2006, the RAMOS and COMPEAN Report of Investigation (ROI) was in the draft process. Because of the large amount of publicity

surrounding the case, the DHS-OIG IG wanted REBACK to review the draft prior to its issuance. Having the Counsel to the IG review an ROI was not a normal DHS-OIG procedure,

and REBACK's review was done from a "legal sufficiency" standpoint which consisted of his recommendations on what should be deleted from the report. In early November 2006, REBACK cleared the ROI for issuance.

After the review of the RAMOS and COMPEAN ROI, there was a six-month period when REBACK's office did review all of the ROIs produced by the DHS-OIG. After that initial six-month period concluded, REBACK's office reviewed ROIs only by request of the IG.

REBACK was made aware of the comments attributed to RAMOS and COMPEAN regarding "shoot(ing) a Mexican," and of the two not being afraid for their lives during the incident; however, REBACK did not look for those statements in his review of the ROI. He was not aware of the controversy surrounding the statements until January 2007, when he received a "Dear Colleague Letter" from (he believes) Congressman MCCAU's Office. The letter referenced concerns about the briefing the DHS-OIG provided to the Subcommittee, and a desire to see if the aforementioned statements were true and could be corroborated. As a result, REBACK went through the ROI again in an attempt to find the statements. When that search proved fruitless, he informed the IG who "expressed great surprise" that they were not in the ROI.

TAYLOR knew the statements were not in the ROI, and he was looking for a good time to tell this to the IG. When REBACK informed the IG that the statements were absent, the IG was surprised but TAYLOR was not.

An ROI is not closed until all action (criminal/civil/administrative) has been completed. When requests to obtain copies of an ROI are received via the Freedom of Information Act (FOIA), REBACK's office contacts the Investigation's Division to inquire about the status of the case. If the case is closed, the ROI would be issued per the FOIA requirements. If the case is still open, the ROI would not be issued until all components (criminal/civil/administrative) of the investigation are through with their inquiries.

The DHS OIG was "not completely uncomfortable" providing the Subcommittee with a copy of the RAMOS and COMPEAN ROI because: 1) The ROI was requested by a congressional committee; 2) The only matter left pending was formal administrative action that had already been initiated, but not completed, by Customs and Border Protection against the other BPAs involved in the incident; 3) The DHS-OIG was of the mindset that the ROI could be released to the Chair of a House Committee; and 4) The DHS-OIG did receive a letter from Congressman CHRISTOPHER CARNEY (the new Chairman of the House Committee who replaced Congressman MCCAU after the recently completed congressional elections) requesting a copy of the ROI.

The DHS OIG wanted "to please the Committee" as a way to try and reduce the "hot water" they were in as a result of the September 26th Briefing. The DHS-OIG thought that a way to appease the Subcommittee would be to release the ROI because the aforementioned administrative procedures were far enough along in their process. The release came with one caveat; that CARNEY use the ROI only for official Committee purposes.

The ROI supplied to the Subcommittee was an unredacted version, and REBACK believed that MCCAUL was able to view it because he was still a Committee member even though he was no longer the Chairman. Because the Subcommittee had oversight over DHS, the DHS-OIG was under the impression that the request to obtain a copy of the ROI was an official request that was generated by the Subcommittee.

DHS-OIG did not contact the Members of Congress and their staff to inform them that they had "mischaracterized" what was reported at the Briefing. REBACK believed that the lack of contact was due to a sense of "internal angst" felt by some DHS-OIG employees towards the Subcommittee. There was a long delay in issuing the ROI because the DHS-OIG wanted the focus to be on the facts of the RAMOS and COMPEAN case, not on whether or not a DHS-OIG employee misspoke during the Briefing. The DHS IG was "ambushed" in regard to the Investigation during another briefing he provided to congress at separate time and concerning a separate topic. This briefing was over a two-day period, and MCCAUL was in attendance both days. On the first day MCCAUL caught the IG by surprise when he asked questions about the Investigation. On the second day, the IG was more prepared to field questions about the Investigation, and MCCAUL was much less aggressive with him. The fact that the IG was able to respond in a more favorable way on the second day provided a much needed morale boost within the DHS-OIG.

The DHS IG testified at yet another briefing with members of the House Committee in attendance. The IG was not asked a single question about the RAMOS and COMPEAN matter on this occasion.

In REBACK's opinion, the DHS IG erred by allowing a briefing to occur on an open investigation, and because he was somewhat unprepared to receive questions about the RAMOS and COMPEAN case during the aforementioned separate congressional briefing.

There was no intent on the part of anyone at the DHS-OIG to mislead the House Committee members or their respective staffers about the Investigation. REBACK was not involved in any conversations leading up to the Briefing; therefore, he was unable to say whether or not there was any intent on the part of anyone at the DHS-OIG to make the RAMOS and COMPEAN situation more egregious in an effort to dissuade the possibility of future hearings on the matter. However, REBACK did state that he would be surprised if anyone had a motive to make the Investigation appear as anything other than what it was.

SIGNED SWORN OR AFFIRMED STATEMENT

June 6, 2008
Washington, D.C.

I, JAMES L. TAYLOR, Jr., being first duly sworn on oath, make the following statement freely and voluntarily to Senior Special Agent [REDACTED] of the United States Department of Agriculture (USDA), Office of Inspector General (OIG), knowing that this statement may be used in evidence. I understand that this statement is not confidential and may be shown to any party who has an official interest.

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I understand I am being interviewed about my knowledge of the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) Investigation, the associated Report of Investigation, and statements that were made before the House Subcommittee on Management, Investigations, and Oversight, Committee on Homeland Security on September 26, 2006. I have been advised of my rights and responsibilities in connection with this inquiry as set forth on a Warning and Assurance Form (Kalkines Warning) which I have read and freely signed.

My full name is JAMES L. TAYLOR, Jr., and I have been employed by the United States Department of Homeland Security (DHS) Office of Inspector General since October 2005. Prior to working for DHS, I was employed for six years by the Department of Commerce as their Chief Financial Officer, and previous to that I was employed with the Federal Emergency Management Agency (FEMA) for nearly 20 years.

I first became aware of the RAMOS and COMPEAN Investigation (Investigation) in October 2005, when I received a telephone call from the U.S. Department of Justice (DOJ) asking if the DHS OIG would pay for the extraction of the bullet from OSVALDO ALDRETE-DAVILA's buttocks. I had been employed with the DHS OIG for only one week when this conversation took place.

At the time of the briefing on September 26, 2006, I did have a "working knowledge of the case" as I had received monthly synopses of the Investigation. LISA REDMAN (REDMAN), the former Assistant Inspector General for Investigations (AIG/I), provided those summaries.

I was very aware of the large amount of political interest in the case, and I recall that RAMOS was nominated by the Border Patrol Union as "Agent of the Year" in an attempt to embarrass the DHS for the less than favorable way in which they (the Union) perceived the case was handled. Furthermore, I was aware that it was an election year, the stress some members of congress were receiving from their constituents over the Investigation, and the mounting pressure the U.S. Attorney for the Western District of Texas (JOHNNY SUTTON) was receiving from local political leaders were all catalysts for the DOJ August 2006 press release.

Congressman MICHAEL MCCAUL (MCCAUL) was the Chairman of the Subcommittee on Management, Investigations, and Oversight. [REDACTED]

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[REDACTED] and prior to the Briefing she repeatedly called my office asking for information on border issues. [REDACTED] continuously told me that the "Chairman (MCCAUL) wanted a briefing," on this investigation. Because she said the Chairman wanted "an overview" of the ROI, because RAMOS and COMPEAN had been convicted six months earlier, and because we wanted to work with, and not upset the subcommittee chair, I agreed after consulting with the Inspector General (IG).

The purpose of the Briefing was just to appease the subcommittee chair. If an official request for the Briefing had not been made by the House Subcommittee Chairman, we would not have agreed to it.

TAMARA FAULKNER (FAULKNER) (the DHS Congressional and Media Liaison) and REDMAN both were informed about the Briefing on the Monday (September 25, 2006) prior to the Briefing (on Tuesday, September 26, 2006). Since I had been on travel with the Inspector General the prior two weeks, the decision to agree to meet with the subcommittee did not occur until Monday, following another request from LEACH. REDMAN, RICHARD REBACK (REBACK)

(Counsel to the Inspector General), and FAULKNER were informed at that time. I made the decision with regard to who would accompany me to the Briefing.

FAULKNER was "out of the loop" when it came to setting up the Briefing as I had discussed whether to attend the meeting with the Inspector General while on travel, and the subcommittee staff would not contact FAULKNER. I did tell her of our decision to brief the subcommittee as soon as I returned the day before.

The House Subcommittee on Investigations, Management and Oversight did not have oversight jurisdiction over the DOJ, and that is why they repeatedly contacted me in an effort to receive information. I was privy to the fact that the House Subcommittee had attempted to obtain trial transcripts and detailed information from DOJ without satisfaction, and since they were part of the Homeland Security oversight committee, I knew that is why they eventually called me.

The normal DHS OIG procedure for dealing with a congressional briefing request was to receive a written, email or phone request from the committee, subcommittee or personal staff of the individual member interested in the briefing. DHS OIG is rarely asked to conduct briefings on investigations. However, requests received from Congressional Committees having oversight authority over the agency are accommodated as soon as possible.

The Report of Investigation (ROI) had not been started by the time the Briefing was given. I did not find out about that until after the Briefing. REDMAN, FAULKNER and I were walking back to the office when REDMAN informed me of the status of the ROI. Once I heard this, I ordered REDMAN to have it started immediately.

At the time of the Briefing, the DHS OIG, Office of Investigation's (OI) policy was to keep investigations open until after sentencing had occurred on that particular case. The policy for releasing an ROI to an outside entity was that all action on the case was to be completed, and the case had to be officially closed. When it came to releasing the ROI to the House Committee, the Chairman received an unredacted copy because of his position. If other Committee members were interested in receiving a copy, they needed to file a Freedom of Information Act request which would yield only a redacted version of the ROI.

MCCAUL was going to lose his Chairmanship of the Subcommittee as a result of the just completed congressional elections. I assume that is why he became "very interested" in obtaining a copy of the ROI and completing any planned review.

There was a debate amongst DHS OIG senior-level management about the release of the ROI, and those discussions occurred with regularity. One of the topics discussed centered on the possibility of releasing it prior to the DHS Customs and Border Protection (CBP) component completing their administrative actions against the other CBP Agents involved in the Investigation. REBACK was feverishly researching rules and regulations governing the release of the ROI, and I was becoming increasingly more frustrated with the situation because I was the one who told the Committee members that the ROI would be released to them as soon as possible.

Congressman CHRISTOPHER CARNEY (CARNEY) took MCCAUL's place as the Chairman of the Subcommittee when the new congress came into session following the November 2006 elections. CARNEY received an unredacted copy of the ROI, and I believe that he gave that copy to MCCAUL as a courtesy.

REDMAN was responsible for receiving information from her agents and reporting her findings to both myself and the Inspector General (IG), RICHARD SKINNER (SKINNER). Up until the time of the briefing in question, I never personally received information directly from field agents regarding cases. All of the information I received was reported to me by REDMAN.

On the Monday prior to the Briefing (September 25, 2006), I thought MCCAU would be the only congressman in attendance. Immediately before we traveled to the Hill on the day of the Briefing (Tuesday, September 26, 2006), I was told by [redacted] that other "interested members" may be at there as well.

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As previously mentioned, myself , REDMAN and FAULKNER represented the DHS OIG at the Briefing. Congressmen MCCAU, TED POE (POE), KENNY MARCHANT (MARCHANT), JOHN CULBERSON (CULBERSON), and many of their staffers were in attendance as well. MCCAU began the Briefing and initiated the discussion. It was at this point that I realized there may be a problem because the aforementioned Committee members began to ask specific questions with regard to details of the Investigation.

POE wanted the DHS OIG to provide the members present with detailed information so that they could issue a press release on the Investigation, and when the Committee members were told that we could not provide such information, CULBERSON banged on the table and said "they (Committee members) were under pressure and needed something to send out." CULBERSON and POE were so passionate about this issue that they essentially took over the meeting from MC CALL.

At the outset of the Briefing there was "no official announcement" that the information provided could not be made public. However, once I formally stated that in response to his request for

information for a press release, POE became so frustrated that he left the Briefing and from what we saw in the media reports “went straight to the press” with his version of the meeting. Because we were unable to give some of the members what they wanted (a press release), we were essentially thrown under the bus when they went to the press. Our purpose in attending the briefing and our statements were misrepresented.

REDMAN did say that RAMOS and COMPEAN wanted to “shoot a Mexican.” I later discovered that those words were not present in the ROI. Although stated by REDMAN, those words did not have any bearing on the results of the Investigation, nor did they impact the jury at the RAMOS and COMPEAN trial, since their convictions occurred six months prior.

Although the phrase “shoot a Mexican” was not in the ROI, I was confident that I could explain the circumstances surrounding its use and omission to the Committee members. I am unable to recall if I personally notified [REDACTED] (MCCAUL’s [REDACTED]) that the words “shoot a Mexican” were not in the ROI, and that the words used by REDMAN to describe the shooting were not exactly the same as the words that did appear in the ROI: “kill an alien.”

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Once they had the opportunity to review the ROI, I thought that the Committee members would view the situation the same way as the we viewed it: that the words REDMAN used were not intended to imply that the shooting was racially motivated, nor that RAMOS and COMPEAN arbitrarily decided to shoot any Mexican they encountered that day during their shift.

In the context of the actual statements provided to the investigators by COMPEAN, I could understand how REDMAN would inadvertently use the phrase “shoot a Mexican” when referring to what was actually said: “kill an alien.” At the Briefing REDMAN did not couch that phrase in a

racial way, nor did she intimate that RAMOS and COMPEAN had arbitrarily decided to shoot a Mexican on the day of the incident.

The allegations about REDMAN's misstatements began to surface after the Committee members reviewed the ROI. I recall we did try to correct the misunderstanding at the staff level. The DHS OIG senior-level management did not see any point in trying to explain the misstatements to the members who were present at the briefing because the discussions had already occurred with the subcommittee staff. They were already receiving more public media attention on the immigration issue than they ever had as a result of the Investigation, and since they already knew of our explanation of what had happened by the time the report came out, we felt that they would not listen. The statements in the press attributed to some of those present were already inflammatory and any attempt on our part to explain the situation, when they could only review a redacted version of the report, may have only provided more fodder. However, our efforts focused on completing and releasing the full report, as we did not believe we could set the record straight without the final report. Later, we posted a summary of the report and the IG's position on what happened on our website.

The question of RAMOS and COMPEAN being afraid for their lives during the shooting was raised as a natural follow-up to the statement "shoot a Mexican." REDMAN told the Committee members that RAMOS and COMPEAN were not in fear for their lives. Their actions at the scene as reported in the ROI reflect that conclusion, as did the actions of the jury in dismissing that rationale when they convicted both agents.

REDMAN was the one answering most of the questions asked by the Committee. She answered only the questions that the Committee members asked, in as broad terms as possible, and she did a

good job of not going any further than necessary to respond to the questions, given the ROI was not prepared.

I knew that CHRIS SANCHEZ (SANCHEZ) (the RAMOS and COMPEAN Investigation case agent) and [REDACTED] of the El Paso, Texas DHS OIG, Office of Investigations) were involved with the local U.S. Attorney's Office regarding questions that one of MCCAU's staffers had sent to the local Assistant United States Attorney (AUSA).

Immediately after RAMOS and COMPEAN were sentenced, I began receiving requests from the Congressional staff about issuing them copies of the ROI. [REDACTED] repeatedly called me in an effort to obtain a copy for MCCAU.

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The ROI was reviewed on many occasions by myself, REBACK, STEVE LAFERTY (Deputy to REDMAN who supervised the OI Offices in the Western Region), GERRY COFFMAN (Deputy to REDMAN who supervised the OI Offices in the Eastern Region), and REDMAN.

While I am truly sorry for any misperceptions which may have been created from the briefing, it was conducted with the intent to help the subcommittee, not to mislead. I also believe that the resulting controversy had nothing to do with the delayed release of the ROI, or the fact that the statement REDMAN made did not appear in the ROI exactly as presented. Rather, I believe that the issue had everything to do with the politics surrounding immigration policy.

As a result of the circumstances surrounding the Investigation and the Briefing, the DHS IG and I are no longer briefed on specific cases which we may be questioned about, we are briefed solely by the AIG/I. The case agent is brought in or connected by teleconference to provide a first-hand

account of the details. Additionally, the DHS OIG does not provide briefings on ROIs that have yet to be issued.

There was no intent on my part, or on the part of the DHS OIG to stall the release of the ROI, and there was no intent on my part, or on the part of the DHS OIG to mislead the members of Congress or their staff. There was no intent on my part, or on the part of the DHS OIG to make the RAMOS and COMPEAN situation more egregious in an effort to dissuade the possibility of future hearings on the matter. In fact, MCCAUL raised the possibility of a hearing during the briefing, and I stated that was entirely his decision, that we did not have any opinion on it.

There was "no discussion or strategy session" with the DOJ, or any outside entity, about what the DHS OIG would say during our briefing to Congress.

To my knowledge, the DOJ paid for the removal of the round that struck ALDRETE-DAVILA in the buttocks.

REDMAN was the one who informed me of the verdict in the RAMOS and COMPEAN trial, which of course, was six months before the briefing in question.

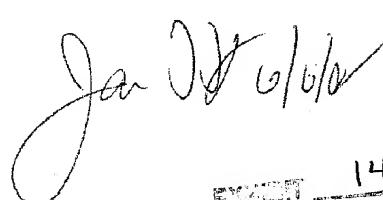
I have read this statement consisting of ten pages, and it is true and correct. I have signed and dated each page and have been given the opportunity to make any corrections or additions.

Sworn to and subscribed before me this 6th day of June 2008.


James L. Taylor, Jr.
Deputy Inspector General, DHS OIG

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6-6-2008
Senior Special Agent
USDA OIG/Investigations Division


Jan 2008

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: [redacted]

TITLE:

[redacted]
Congressman McCaul's Office

DATE OF INTERVIEW:

July 18, 2007

INTERVIEWED BY:

Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER:

HQ-5099-0001

LOCATION OF INTERVIEW:

131 Cannon House Office Building
Washington, DC 20515

TELEPHONE NUMBER:

(202) 225-2401

On July 18, 2007 [redacted] Congressman MICHAEL MCCAUL (MCCAUL) was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine [redacted] knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, [redacted] voluntarily provided the following information:

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[redacted]

The RAMOS and COMPEAN issue came to MCCAUL's attention because they were approached by constituents concerned about the case and the unfair treatment of two Border Patrol Agents (BPAs), RAMOS and COMPEAN. Initially they approached main DHS Congressional Affairs to find out the status of the case. They were told to contact DHS-OIG. The sentencing of RAMOS and COMPEAN was coming and MCCAUL's office wanted to have some kind of explanation of the circumstances of the investigation. [redacted] indicated they were looking for some sort of general informational briefing so MCCAUL could be more conversant on the issue. MCCAUL and [redacted] MCCAUL's [redacted] thought it would be appropriate for [redacted] to arrange the briefing.

EXHIBIT 15
1 of 3
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[redacted] had worked with DHS-OIG previously on the Government Accountability Office and Federal Emergency Management Agency Fraud Meetings. The briefing was intended to provide background on the issue, and there was interest from other members of Congress.

[redacted] stated it was a "gray area" as to whether it was represented to DHS that the briefing was set up under the auspices of the Subcommittee on Management, Investigation and Oversight, for the House of Representatives Homeland Security Committee. Legislative staff would normally coordinate this type of briefing. The briefing was held in the ante-room for the Subcommittee. [redacted] believes that [redacted] had informed DHS that other members of Congress would be present at the briefing.

ELIZABETH REDMAN (REDMAN), JAMES TAYLOR (TAYLOR) and TAMARA FAULKNER (FAULKNER) attended the briefing from DHS. TAYLOR started the meeting off. REDMAN did the majority of the briefing. She provided background and mentioned that at the time of incident RAMOS and COMPEAN did not know OSVALDO ALDRETE-DAVILA (ALDRETE-DAVILA) was carrying drugs. REDMAN gave details of the attempted arrest and scuffle and the attempt to hit ALDRETE-DAVILA. Fourteen shots were fired at ALDRETE-DAVILA and one hit him. REDMAN made three statements during the briefing. ALDRETE-DAVILA was unarmed. RAMOS and COMPEAN wanted "to shoot a Mexican." After which REDMAN was asked, "Are you sure that is what he said?" REDMAN replied, "Yes." One of the Congressman asked where that statement was from. REDMAN replied, "In his statement, and it is in the Report of Investigation (ROI)." Inspector General RICHARD SKINNER (SKINNER) later said the REDMAN had been told that over the phone by the one of the Agents in Texas. According to [redacted] REDMAN also told them that RAMOS and COMPEAN did not believe that ALDRETE-DAVILA posed a threat to their lives.

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DHS knew those statements were not in the ROI. The public learned about these statements through a radio show. [redacted] thought it was CULBERSON'S office who released the information from the briefing. It was never explicitly stated at the briefing that the information was confidential and could not be disclosed to the public.

During the briefing the Congressmen asked for a copy of the ROI. They were told by DHS that sentencing for RAMOS and COMPEAN is still pending, but they can provide it after that. MCCAUL's office waited until mid-October and asked for a copy of the ROI. Additionally, they followed up with DHS on a periodic basis. MCCAUL was still on the Subcommittee in January 2007, but he was no longer the Chairman. MCCAUL was advised that he would have to submit a Freedom of Information Act request to obtain a copy. He was eventually provided a redacted version right before the Appropriations Committee Hearing at which SKINNER was testifying. MCCAUL asked some pointed questions of SKINNER during his testimony.

[redacted] advised that DHS appeared to believe the statements they made during the briefing. CULBERSON stated that if what they were saying was true "It would have a chilling effect on BPAs attempting to do their job."

[redacted] also contacted the U.S. Department of Justice, Congressional Affairs Offices. MCCAUL did not want to do to the U.S. Attorney's Office. He preferred to go through DHS-OIG. [redacted] had mentioned that he had spoken with TAYLOR, and TAYLOR informed him that they were not going to be able to provide the documents in the ROI to back up the statements from the briefing. [redacted] had been involved in this issue since August 2006. They attempted to obtain copies of the trial transcript and contacted DOJ but were told the court reporter was ill and it would be sometime before they would be available.

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After [redacted] advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: Kenny Marchant

TITLE: United States Congressman

DATE OF INTERVIEW: October 30, 2007

INTERVIEWED BY: Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER: HQ-5099-0001

LOCATION OF INTERVIEW: 1037 Longworth House Office Building
Washington, DC 20515

TELEPHONE NUMBER: (202) 225-6605

On October 30, 2007, Congressman KENNY MARCHANT from the 24th District of Texas was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine MARCHANT's knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, MARCHANT voluntarily provided the following information:

MARCHANT is a good friend of Congressman JOHN CULBERSON (CULBERSON.) However, CULBERSON is easily excitable. The briefing on September 26, 2006 was about the Border Patrol Agents (BPAs). He attended the meeting because he wanted to get some answers from DHS-OIG regarding the investigation. MARCHANT did not have any contact with DHS-OIG prior to the briefing. CULBERSON and Congressman MICHAEL MCCAUL (MCCAUL) arranged the briefing. MARCHANT did not know about the meeting before hand. He ran into CULBERSON in the hallway and CULBERSON invited him to the meeting. CULBERSON, MCCAUL and Congressman TED POE (POE) did most of the talking. Their position was that the Government should not have granted immunity to the shooting victim. POE and CULBERSON were equally upset about the fact these BPAs had been prosecuted. MCCAUL had a different attitude and wanted to get some answers before he made up his mind about the case. MARCHANT was "catching heat" in his district and the over all feeling was that this prosecution was terrible. MARCHANT does have some "right-winged" constituents in his district, and they were extremely upset. MARCHANT did not go to the press with any of the information obtained in the briefing. He does not seek out the press.

The briefing took place in Cannon towards First St. MARCHANT's understanding was that the meeting was not on behalf of the Subcommittee on Management, Investigations and Oversight. He thought the meeting was on the 2nd or 3rd floor. MARCHANT did not think his staffer [redacted] was present. [Agent's note: At the time of the interview, [redacted] and since MARCHANT did not believe he was present [redacted] was not interviewed.] Three individuals from DHS were on one side of the table and the Congressmen were on the other side of the table.

The male (JAMES TAYLOR) did most of the talking. The briefing was already in progress when he arrived. The DHS personnel gave information that conflicted from what they had learned from other sources.

The general information provided at the briefing was that these BPAs fired upon this victim (OSVALDO ALDRETE-DAVILA.) The victim did not have a weapon and then RAMOS and COMPEAN attempted to cover it up by collecting the bullet shell casings.

MCCAUL, CULBERSON and POE definitely challenged the statements the DHS personnel made during the briefing. The gist of the briefing was that RAMOS and COMPEAN knew they shot an unarmed man, in the dark and in the back. Additionally they did not report the shooting. MARCHANT does not recall the statement that RAMOS and COMPEAN were not in fear for their lives being made at the briefing. He does not recall the statement that RAMOS and COMPEAN wanted to "shoot a Mexican" being made at the briefing. MARCHANT also indicated that the trial transcripts were not available.

MARCHANT left the DHS briefing thinking a "decidedly different story" was being told by the press. He believed the other side of the story had not come out. The DHS personnel were very convincing and clearly they believed what they briefed. He made the decision not to go to the press. Subsequent to the briefing, CULBERSON and POE started doing press immediately. MARCHANT indicated that POE had gone on one of the talks shows to discuss the inaccuracies of the investigation. They had the U.S. Attorney from the Western District of Texas (JOHNNY SUTTON) in one location, and POE was in a remote studio.

MARCHANT does not recall any specific instruction being given at the meeting regarding the whether the information in the briefing could be disclosed to the public.

MARCHANT does not remember when he found out that the statements were not exactly accurate. One of the inaccuracies was that DHS-OIG indicated that both RAMOS and COMPEAN had given statements which were not true. CULBERSON and POE said DHS had lied to everyone. MCCAUL's office sent a letter over for his signature which was addressed to RICHARD SKINNER.

MARCHANT had no follow-up conversations with DHS-OIG. Additionally, he had no further discussions with CULBERSON and POE regarding the briefing. He may have discussed the

matter with one of District Directors of the Border Patrol while he was speaking with him on another matter.

MARCHANT advised that MCCUAUL, CULBERSON, and POE are attorneys and some were prosecutors. Sometimes they may read a little more into a meeting that he does.

After MARCHANT advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

9/26/2006

Here is an account of the incident as told to Members and staffers during a meeting with the DHS OIG yesterday. Members in attendance were Congressmen Culberson, Poe, McCaul, and Marchant.

We have requested a court transcript from the U.S. District Court in El Paso to corroborate what we were told by the DHS IG's office.

Account of the incident as told to us by the DHS IG:

Border Patrol agents Ramos and Compean stopped a car around 1PM on 2/17/2005. The basis of the stop was because the agents wanted to ID the driver. Aldrete-Davila got out of the car with his hands up and was hit in the head with the butt of a shotgun by Compean. A scuffle ensued where Compean was knocked onto the ground. Aldrete-Davila then ran and was stopped on the international boundary by both agents. He put up his hands, and when one agent brought a shotgun to shoulder level, Aldrete-Davila took off. Fifteen shots were fired. Compean fired, emptied his clip, reloaded, and fired again. He fired a total of fourteen times. Ramos fired once. Aldrete-Davila got across the border.

Based on Border Patrol policy, agents cannot pursue into Mexico. Ramos and Compean did not pursue Aldrete-Davila into Mexico.

When this occurred, Ramos and Compean did not know that Aldrete-Davila was a Mexican national illegally in the U.S. or that he was transporting marijuana.

Compean removed 9 shell casings from the scene and later removed 5 more. He then threw those shells away.

Seven Border Patrol agents arrived on the scene. None of them had heard the gunfire and Ramos and Compean did not report firing their guns. One agent noticed that Compean was dirty and asked if he wanted to file an assault report. Compean said no. It was at that point that the car was searched and 700 pounds of marijuana were found.

Several weeks later, the Mexican Consulate contacted the U.S. Consulate in Mexico saying that they have a person who claims to have been shot by a Border Patrol agent. On March 4, 2005 the U.S. Consulate contacted the U.S. Attorney.

After negotiations, Aldrete-Davila was granted immunity by the U.S. Attorney for smuggling drugs on 2/17/2005 and nothing else. As far as the DHS IG knows, Aldrete-Davila admitted to smuggling the drugs and would only enter the U.S. if immunity was granted. He was interrogated and later taken to the hospital where a catheter which had been put in at a Mexican hospital was removed a new one was put in. The bullet had severed his urethra. After the bullet was removed, a ballistics test matched the bullet to Ramos' gun.

After the match, the DHS IG opened an investigation. During the interrogation, Compean admitted to covering up the shell casings. The investigator is unclear as to when Ramos confessed. During questioning by the Homeland Security investigator, admitted that Aldrete-Davila did not have a weapon, that they didn't feel threatened, and that they "Wanted to shoot a Mexican".

The investigator that we spoke to did not know about a second load of drugs that Aldrete-Davila brought across the border or a second immunity given to him.

I spoke to [redacted] of the El Paso County Sheriff's Department this morning. He said that the only involvement the sheriff's office had in this case was that the two Border Patrol agents were held in their jail. [redacted] phone number is [redacted]

b6
b7C

Chairman Hostettler of the Judiciary Committee Immigration subcommittee said today that he will hold a hearing on this.

IG-Ramos/Compean

March 4 2005 open investigation
 Mexican Consul approached IG
 re 2/17 shooting

IG contacted BP

IG contacted Mexican thru Consulate
 + US attorney's office offered immunity
 for smuggling load

Beaumont Med Center extracted bullet + was
 matched w/ Ramos' gun

Compean 14 shots

Ramos 1 shot

7 officers appeared + reported no shots fired

Mexican flees as Compean raises shotgun
 for fear of being shot
 runs into MX

This second of series of MX's relatives MX
 Consulate is notified

Received medical treatment in Mexico

Said they wanted to destroy evidence so they
 threw away casings

Also said they wanted to "Shoot a Mexican"

Where was
 this said?

EVIDENCE 18
 PAGE 1 OF 2

[redacted] Wilcox AZ [redacted]

b6
b7C

assigned to [redacted]

an - Kayfwa

and 87107
Dr M [signature]

EVIDENCE 18
PAGE 1 OF 2

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED:

[redacted]

TITLE:

[redacted]

Congressman Culberson's Office

DATE OF INTERVIEW:

July 20, 2007

INTERVIEWED BY:

Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER:

HQ-5099-0001

LOCATION OF INTERVIEW:

428 Cannon House Office Building
Washington, DC 20515

TELEPHONE NUMBER:

[redacted]

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On July 19, 2007, [redacted] for Congressman JOHN CULBERSON (CULBERSON) was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine [redacted] knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, [redacted] voluntarily provided the following information:

[redacted]

CULBERSON's office became involved in this matter when they began getting calls from constituents and non-constituents. It was a "cause celeb" for local talk show radio host [redacted]

[redacted] and CULBERSON have known each other since

CULBERSON was in the Texas State House. [redacted] asked CULBERSON if he could find out the status of the RAMOS and COMPEAN investigation.

[redacted] one of CULBERSON's Legislative Assistants did some research on the issue and spoke with other delegation members. Congressman KENNY MARCHANT had been asked about the issue in several townhall meetings.

[redacted] arranged the briefing.

EXHIBIT 19
PAGE 1 OF 2

[redacted] does not know if DHS-OIG was advised it was a "member's only briefing." Additionally he does not know if DHS-OIG was advised it was a Subcommittee meeting. CULBERSON was returning from another meeting and arrived approximately 15 minutes late. TAMARA FAULKNER (FAULKNER), JAMES TAYLOR (TAYLOR) and ELIZABETH REDMAN (REDMAN) were already present. REDMAN gave the briefing. Occasionally, TAYLOR would interject. It started out with REDMAN briefing and then responding to questions from the attendees. The briefing included the results of the investigation. [redacted] does recall that the REDMAN made the following statements. The agents were not in fear for their lives. They knew the suspect (OSVALDO ALDRETE-DAVILA) did not have a gun. They went out "to shoot a Mexican."

POE and CULBERSON pushed back. They re-iterated a few times. "They went out to shoot a Mexican." REDMAN appeared to believe what she was saying. [redacted] does not believe REDMAN intentionally misled member of Congress. He believes they were attempting to ensure they provided the detail information about the investigation. [redacted] does not know how much time DHS-OIG had to prepare for the briefing.

[redacted] believed the timeframe to provide the Report of Investigation (ROI) was mid-November. He did not see the ROI, but heard from [redacted] it was on "display" at the Subcommittee. He does not know if CULBERSON saw the ROI. He does not believe that REDMAN should be prosecuted for making those statements.

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After the briefing [redacted] contacted [redacted] and told him "not to get too far out on limb" regarding RAMOS and COMPEAN. [redacted] requested notes from the meeting. [redacted] provided a copy of the memo prepared by [redacted] to [redacted]

The ROI does not back up the statements from the briefing. CULBERSON spoke with MCCAUL about it. MCCAUL tried to "pin down" Inspector General RICHARD SKINNER (SKINNER) about the statements. CULBERSON pinned SKINNER down at a later hearing.

CULBERSON signed a letter to SKINNER which was also signed by MCCAUL, MARCHANT and POE. CULBERSON sent a second letter to SKINNER regarding the misleading statements.

[redacted] would not have transmitted information to [redacted] if he had been advised the information could not be released. There were no discussions at the meeting that the information could not be released to the public.

After [redacted] advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

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PAGE 2 OF 2

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: Lloyd Ted Poe

TITLE: United States Congressman

DATE OF INTERVIEW: July 19, 2007

INTERVIEWED BY: Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER: HQ-5099-0001

LOCATION OF INTERVIEW: 1605 Longworth House Office Building
Washington, DC 20515

TELEPHONE NUMBER: (202) 225-6565

On July 19, 2007, Congressman LLOYD TED POE (POE) from the 2nd District of Texas was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine POE's knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, POE voluntarily provided the following information:

POE has been a member of Congress for approximately 2 ½ years. Prior to that, he spent 22 years as a prosecutor and Judge in the state of Texas.

Congressman MICHAEL MCCAUL (MCCAUL) arranged the briefing. POE was getting various reports about the RAMOS and COMPEAN investigation and wanted to get additional information. POE recalled that a transcript of the trial had not been prepared. He could not recall who asked for the briefing. MCCAUL was the Chairman of the Subcommittee on Management, Investigations and Oversight for the House of Representatives' Homeland Security Committee. POE does not know what DHS personnel were told prior to the briefing. POE did not stay for the entire briefing. He believed he stayed about an hour.

ELIZABETH REDMAN (REDMAN) did all the talking. JAMES TAYLOR (TAYLOR) provided an introduction for DHS-OIG. REDMAN would provide information and then respond to questions. POE was under the impression that the information provided at the briefing was coming straight from the Report of Investigation. REDMAN made allegations and said "they

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JULY 1 2007
FBI - WASH D.C.

were out to shoot Mexicans" on the day of the incident. Additionally, she said RAMOS and COMPEAN knew the OSVALDO ALDRETE-DAVILA did not have a gun, and they were not in fear for their lives. REDMAN did not provide a time frame for the Report of Investigation (ROI) other than to say "as soon as possible."

POE can not remember when he found out the statements were wrong. He did not have any follow up conversations with DHS-OIG personnel. No advised him that the information provided at the briefing was confidential. POE did not hold a press conference regarding the information from the briefing. POE did not take a staff member to the meeting.

POE was skeptical about the information provided by DHS. POE was satisfied once he learned that he would be able to get the ROI, and he left the meeting. POE continued to obtain additional information on the investigation from other sources. The overall tone of the meeting was "you are wrong in pursuing the investigation of these agents (RAMOS and COMPEAN.) POE indicated he wanted to keep an open mind and always wants to hear every side of the story.

After POE advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

EVIDENCE 20
DATE 2/27/2

9-27-06

Mr. [redacted]

b6
b7c

Ted Poe TX
McCaul
Kenny Marchant
John Culberson

Michael McCaul
Ted Poe
Kenny Marchant
John Culberson

McCaul - as a former member of T. Nor's committee

helps me understand the issue
in T. Nor's letter regard to inquiry/report
See hansys

McCaul

March 4 2005 opened case - Am Consul advised to
US agent as they faced up to
us about a destroy secret info

for bad report Fed & w. a step only
no threats; uneventful; no ^{UNIS} spec

016 01 Rev-

- we brought the Mexican back to US
- We did not want to come back

Sometime

only

21

11-5 Received

4/17/08

one

March 4th - he was clearly suffering from
a gunshot wound.

He had medical attention in Mexico

He had a used catheter inserted in Mexico.

He was sick when we saw him.

Bullets were extracted - no lead source

weapon belongs to Ramos

15 shots fired (14 Campos / 1 Ramos)

1 struck

Warrant was not on Feb 19th -

Ramos/Campos did not know the Mexican had
drugs, was

Ramos/Campos ~~for~~ ⁱⁿ ~~had~~ ^{had} 40

Mexican hit man in head w/ shotgun
did not know weapon

tried to break away - ran

- scuffle ensued

Campion ~~falls~~ to ground

Victim runs - retreat. Hands held up.

B.P.s yell to stop. Victim runs forward

John Calvillo Cuellar

Mexico - 1 bullet hits - victim crosses border

BPA's not allowed to cross / pursue

9 spent casings recovered at the site - not turned over
Supervisor arrives at scene - ^{initial} ^{turns over} ^{to Supervisor}
^{initial} ^{turns over} ^{to Supervisor} was No.

other 5 casings then found & thrown into culvert

Victim was fearful of his life

BPA's raised to a shotgun.

BPA's said they did not feel he had a gun but
did not search his person.

Mexican calculates hours of travel time

refuses OIC

paid for bullet extraction

OIC in investment

(120) attempted murder; violation of CR, conspiracy

Victim producing T.R.

Violation of civil rights - It's law

For - what is the site?

Initial indictment did not contain charges

Supplementary indictment included additional

charges.

They were not prosecuted for failure to file papers.

- Did they file OIG? yes, initially
he said he never drugs? - No
other agents later found the drugs

The incident report (I44) did not mention
any weapon/shooting

- Did the agents have previous problems
involving the policy for use of Lethal force?

Final
Poo
The agents didn't know what he was or where he went
^{*must be in Sean for your life.}

Police claimed the man was running away
to H. we can't shoot?

- Yes

Miller Not firing? auditory comprehension?

- No - might suggest suicide

Also - this was in early 1990s

Culberson

It's got to have a chilling effect on [REDACTED]

LISG I don't think so, they're embarrassed.

[REDACTED] Tariq [REDACTED]

[REDACTED] the drug smuggle threatened the [REDACTED]

[REDACTED] knew about the [REDACTED]

everyone heard the shots.

[REDACTED] should have made a report.

[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

- [REDACTED] [REDACTED] [REDACTED]
- [REDACTED] [REDACTED] [REDACTED]

- [REDACTED] [REDACTED] [REDACTED]

Culberson - posting [REDACTED] [REDACTED]

- doing a lot of damage to the Bush
airline. we've got to be given smoking

21
BOSTON
9.07.5

PETER T. KING, NEW YORK
CHAIRMANBENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER

One Hundred Ninth Congress
 U.S. House of Representatives
 Committee on Homeland Security
 Washington, DC 20515

October 23, 2006

The Honorable Richard Skinner
 Inspector General
 U.S. Department of Homeland Security
 Washington, DC 20528

Dear Mr. Skinner:

On September 26, 2006, Congressmen Ted Poe, John Culberson, Kenny Marchant, and I met with Deputy Inspector General Jim Taylor and Assistant Inspector General for Investigations Lisa Redman. I requested this meeting to discuss the Inspector General's investigation of former Border Patrol agents Ignacio Ramos and Jose Compean.

At this meeting, Mr. Taylor represented to me, and the other Members of Congress present, that the Inspector General's report on its investigation of Ramos and Compean would be released after their sentencing; the sentencing occurred on October 19, 2006. Mr. Taylor made factual representations during this meeting that he said would be substantiated by the Inspector General's report. Specifically, Mr. Taylor stated both former Border Patrol agents admitted to shooting the suspect knowing he was unarmed, both former Border Patrol agents admitted they did not believe they were in fear for their lives or serious bodily injury from the suspect, and one or both of the former agents said they wanted to shoot a Mexican.

I have recently been informed that, contrary to the assurances provided by Mr. Taylor and Ms. Redman on September 26, 2006, this report will not be released due to anticipated appeals. This refusal to share the report is unacceptable.

As soon as possible, please provide a copy of the Inspector General's report, and any documents prepared by or in the possession of the Inspector General's office, which were introduced as exhibits in the Ramos and Compean trial, including statements made by Ramos and Compean to Inspector General investigators, and affidavits by Inspector General investigators.

If you have any questions, please contact [redacted]

[redacted] at [redacted]

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b7C

Sincerely,

MICHAEL T. MCCAUL
 Chairman
 Subcommittee on Investigations

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 Page 1 OF 1

Redman, Lisa

From: Redman, Lisa
Sent: Friday, October 20, 2006 5:59 PM
To: Taylor, James; Skinner, Richard; Faulkner, Tamara; Reback, Richard; Coffman, Gerald
Cc: [REDACTED]
Subject: Re: Request for ROIs - Ramos/Compeon

They are working on the report as we speak and we anticipate having a first draft on Monday, which Gerry and I will be reviewing and working on with [REDACTED]

-----Original Message-----

From: Taylor, James
To: Redman, Lisa; Skinner, Richard; Faulkner, Tamara; Reback, Richard; Coffman, Gerald
CC: [REDACTED]
Sent: Fri Oct 20 17:49:08 2006
Subject: RE: Request for ROIs - Ramos/Compeon

we should be getting a letter next week from the chair. I just spoke with the chief of staff. We can discuss all these details more next week, but for now, Lisa, please make sure that [REDACTED] and/or Chris makes this report their number 1 priority and work whatever overtime is necessary, including this weekend, to speed up the process.

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-----Original Message-----

From: Redman, Lisa
Sent: Friday, October 20, 2006 5:40 PM
To: Skinner, Richard; Faulkner, Tamara; Reback, Richard; Coffman, Gerald; Taylor, James
Cc: [REDACTED]
Subject: Re: Request for ROIs - Ramos/Compeon

Things may have changed, but it was our understanding and practice at Treasury that anyone who wanted an ROI on a "constituent" issue vice "committee chair" issue had to get a letter to the IG from his or her Chair, something that rarely happened on constituent issues.

-----Original Message-----

From: Skinner, Richard
To: Faulkner, Tamara; Reback, Richard; Coffman, Gerald; Taylor, James; Redman, Lisa
CC: [REDACTED]
Sent: Fri Oct 20 17:08:14 2006
Subject: RE: Request for ROIs - Ramos/Compeon

I "assume" they would have to go to McCaul to get a copy. Rick R.?

-----Original Message-----

From: Faulkner, Tamara
Sent: Friday, October 20, 2006 4:21 PM
To: Skinner, Richard; Reback, Richard; Coffman, Gerald; Taylor, James;

Redman, Lisa
Cc: Faulkner, Tamara; [REDACTED]
Subject: Re: Request for ROIs - Ramos/Compeon

That's a hefty report. Reviewing it for public release will consume significant resources both here and at DOJ. I really do not like the idea of producing an investigative report. The purpose of the ROI was to get a conviction -- that goal was met and there should be abundant evidence in the trial record. Producing the ROI will subject us to all kinds of second guessing and for what purpose? The ROI was a tool to an end and that end was accomplished here. Is there some concern about the OIG, because that appears to be the focus now.. RR

Sent from my Nextel BlackBerry
Rick Reback
[REDACTED]

-----Original Message-----

From: Coffman, Gerald
To: Taylor, James; Reback, Richard; Skinner, Richard; Redman, Lisa
CC: Faulkner, Tamara; [REDACTED]
Sent: Fri Oct 20 15:41:49 2006
Subject: RE: Request for ROIs - Ramos/Compeon

as well as a review by the DOJ office that handled the prosecution. The report itself runs about 60 pages with some 250 exhibits.

-----Original Message-----

From: Taylor, James
Sent: Friday, October 20, 2006 3:36 PM
To: Reback, Richard; Skinner, Richard; Coffman, Gerald; Redman, Lisa
Cc: Faulkner, Tamara; [REDACTED]
Subject: RE: Request for ROIs - Ramos/Compeon

the three weeks includes Counsel review.

-----Original Message-----

From: Reback, Richard
Sent: Friday, October 20, 2006 3:16 PM
To: Taylor, James; Skinner, Richard; Coffman, Gerald; Redman, Lisa
Cc: Reback, Richard; Faulkner, Tamara; [REDACTED]
Subject: Re: Request for ROIs - Ramos/Compeon

Three weeks sounds like a long time to do this. Plus OIG must have the final say on which of its materials are released. RR
Sent from my Nextel BlackBerry
Rick Reback
[REDACTED]

-----Original Message-----

From: Taylor, James
To: Skinner, Richard; Coffman, Gerald; Redman, Lisa
CC: Reback, Richard; Faulkner, Tamara; [REDACTED]

Sent: Fri Oct 20 13:55:34 2006
Subject: RE: Request for ROIs - Ramos/Compeon

plan is for the review to be completed by Nov. 13.

-----Original Message-----

From: Skinner, Richard
Sent: Friday, October 20, 2006 1:26 PM
To: Coffman, Gerald; Redman, Lisa
Cc: Reback, Richard; Faulkner, Tamara; Taylor, James; [REDACTED]
Subject: RE: Request for ROIs - Ramos/Compeon

Now that sentencing is complete, let's provide the ROI pronto. Thanks

-----Original Message-----

From: Faulkner, Tamara
Sent: Friday, October 20, 2006 12:03 PM
To: Taylor, James; Redman, Lisa; Coffman, Gerald
Cc: Skinner, Richard; Reback, Richard
Subject: Request for ROIs - Ramos/Compeon

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Jim and Lisa -

[REDACTED] with Rep. Culberson's office called to request copies of the ROIs for Ramos and Compeon, now that they have been sentenced. If you recall, Rep Culberson was one of four Texas House delegation members that we (Lisa and Jim) briefed on 9/27/06. Rep. Culberson was the most vocal of the four in his desire for the OIG to help the Texas delegation respond to the press about the case (as it was "doing a lot of damage to the (Bush) administration"), by providing any information, even if not already in the public realm, and with securing a copy of the court transcript. Rep McCaul's staffer later agreed to locate a copy of the court transcript.

Other members at the briefing included:

Rep. Michael McCaul (former prosecutor)
Rep. Ted Poe (former Judge)
Rep. Kenny Marchant

Please advise.
Tamara

**United States Department of Agriculture
Office of Inspector General**

MEMORANDUM OF INTERVIEW

PERSON(S) INTERVIEWED: [redacted]

TITLE:

[redacted]
Congressman McCaul's Office

DATE OF INTERVIEW:

July 18, 2007

INTERVIEWED BY:

Ann Coffey, SAC, USDA, OIG – SOD, and
Don Meeks, SAC, USDA, OIG – Midwest Region

CASE NUMBER:

HQ-5099-0001

LOCATION OF INTERVIEW:

131 Cannon House Office Building
Washington, DC 20515

TELEPHONE NUMBER: [redacted]

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On July 18, 2007, [redacted] Congressman MICHAEL MCCAUL (MCCAUL) was interviewed by ANN COFFEY, Special Agent-in-Charge (SAC), Special Operations Division (SOD), and DON MEEKS, SAC for the Midwest Region of the U.S. Department of Agriculture (USDA), Office of Inspector General (OIG). The interview was conducted to determine [redacted] knowledge and involvement in the September 26, 2006, briefing by personnel from the U.S. Department of Homeland Security (DHS), OIG regarding the IGNACIO RAMOS (RAMOS) and JOSE COMPEAN (COMPEAN) investigation. After being informed of the purpose of the interview and the identity of the interviewers, [redacted] voluntarily provided the following information:

[redacted]

The RAMOS and COMPEAN issue came to the attention of their District when they began receiving constituent calls. [redacted]

[redacted] contacted DHS on behalf of the Subcommittee. At that time MCCAUL was the Chair of the Subcommittee. As [redacted] had also called Inspector General RICHARD SKINNER (SKINNER) to request a briefing on the matter.

[redacted] believed it was to be an informal briefing. He knew there would be several attendees at the briefing and assumes [redacted] would be diligent and identify for DHS-OIG everyone who would be in attendance.

[redacted] was not aware of any reluctance on the part of DHS-OIG to provide the briefing. He believes the request for the briefing occurred approximately 7 to 10 days prior to the September 26, 2006 briefing. The briefing was held in the Subcommittee ante-room. MCCAU was the only committee member present. Everyone arrived at approximately the same time. ELIZABETH REDMAN did the majority of the briefing. [redacted] perception was that she was describing the events from the DHS-OIG investigation.

REDMAN conveyed that their investigation was not complete. However, DHS promised that in two weeks they would provide the Report of Investigation (ROI). REDMAN went into specific detail regarding the pursuit, scuffle, and firing of shots. No one at the briefing ever mentioned that the information could not be made public. However, [redacted] believed it was a private briefing and the information should not be made public. The Congressman wanted a copy of the ROI so they could go back to their constituents with proof of what really happened.

[redacted] recalls three statements that were made during the briefing. They were RAMOS and COMPEAN knew the individual was unarmed. They never felt in danger for their life. RAMOS and COMPEAN said that morning, that they wanted "to shoot a Mexican." REDMAN was very emphatic she said it at least three times. It was in the interrogation. [redacted] considered this statement to be the most egregious.

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[redacted] believes REDMAN was overstating their case, but it was not intentional. REDMAN was probably not used to briefing Members of Congress. He believes the intent was to justify the DHS investigation which would have the outcome of dissuading Congressman JOHN CULBERSON (CULBERSON) and TED POE (POE) from having additional hearings on this matter.

After the briefing, [redacted] received a phone call from [redacted] a local radio talk show host in Houston, TX. [redacted] wanted to know if they were going to have a hearing. [redacted] advised him that there would be no additional hearings. They would wait for the ROI. [redacted] had to go back and ask DHS for the ROI. Four months after the briefing they still had not received the ROI.

[redacted] spoke with JAMES TAYLOR (TAYLOR) approximately 10 days before the November 2006 elections. At that time TAYLOR told [redacted] they would not be able to provide the statements to support those 3 statements made at the September briefing. TAYLOR apologized to [redacted]. In late January 2007, they finally received a copy of the ROI. SKINNER provided a copy of the report to the new Subcommittee Chair, CHRISTOPHER CARNEY. SKINNER had previously advised MCCAU that he would need to file a Freedom of Information Act request

for the ROI since he was no longer the Subcommittee Chair. [] has never seen the unredacted ROI. They were offered the opportunity to review the unredacted version, but they declined. MCCAUL once worked for JOHNNY SUTTON, the U.S. Attorney for the Western District of Texas.

MCCAUL sent a letter signed by himself, CULBERSON, POE and Congressman KENNY MARCHANT to SKINNER regarding the information provided at the briefing. SKINNER did not respond until after the Appropriations hearing. [] had talked to the Council about issuing a "show cause letter" but the situation had "ratcheted" down by this point.

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[] had contacted the U.S. Attorney's Office in the Western District of Texas, prior to the September 2006 briefing by DHS []. [] had never met the DHS personnel prior to the meeting and did not have any subsequent meetings with them after September.

[] advised there should be no reason why it took so long for DHS to admit the statements were not in the ROI.

After [] advised that Reporting Agents could contact him with follow-up questions, the interview was concluded.

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PAGE 3 OF 3

Unknown

From: Taylor, James
Sent: Wednesday, February 21, 2007 6:35 PM
To: [REDACTED]
Cc: Taylor, James
Subject: 20061219 DIG tells AML ROI not ready

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per our discussion

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, December 19, 2006 12:40 PM
To: 'james.taylor1@dhs.gov'
Subject: Re: BP agents report

Ok thanks

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Taylor, James <james.taylor1@dhs.gov>
To: [REDACTED]
Sent: Tue Dec 19 12:38:59 2006
Subject: Re: BP agents report

We have not heard back from CBP as yet. I'm actually visiting our offices and some CBP offices along the border this week. we'll follow up as soon as return.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: [REDACTED]
To: 'james.taylor1@dhs.gov' <james.taylor1@dhs.gov>
Sent: Tue Dec 19 12:19:40 2006
Subject: BP agents report

Jim,

Any word on the release of your investigation report?
Last time we spoke you anticipated a release about this time.

Thanks,
[REDACTED]

EXHIBIT 25
PAGE 1 OF 2

Sent from my BlackBerry Wireless Handheld

PAGE 25
PAGE 2 OF 2

MICHAEL T. McCaul
10TH DISTRICT, TEXAS

FRESHMAN REPRESENTATIVE TO HOUSE
REPUBLICAN LEADERSHIP

COMMITTEE ON
HOMELAND SECURITY

CHAIRMAN, SUBCOMMITTEE ON
INVESTIGATIONS

COMMITTEE ON
INTERNATIONAL RELATIONS

COMMITTEE ON SCIENCE

ASSISTANT MAJORITY WHIP

Mr. Richard Skinner
Inspector General
U.S. Department of Homeland Security
Washington, D.C. 20528

WASHINGTON OFFICE:
415 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2401

AUSTIN OFFICE:
803 SAN JACINTO, SUITE 320
AUSTIN, TX 78701
(512) 473-2257

BRENHAM OFFICE:
2000 SOUTH MARKET, SUITE 303
BRENHAM, TX 77833
(979) 830-6497

KATY OFFICE:
1550 FOXLAKE, SUITE 120
HOUSTON, TX 77084
(281) 398-1247

TOMBALL OFFICE:
TOMBALL ROSEWOOD PROFESSIONAL BUILDING
990 VILLAGE SQUARE, SUITE B
TOMBALL, TX 77375
(281) 255-8372

Re: Freedom of Information Act Request

Dear Inspector Skinner:

Per our conversation on Friday, January 12, 2007, where I personally requested from your office the information listed below, this letter will serve as an official request under the Freedom of Information Act.

I request that a copy of the following document (or documents containing the following information) be provided to me:

DHS Report of Investigation (ROI) on former Border Patrol Agents Ignacio Ramos and Jose Compean.

I seek this information pursuant to DHS regulation 6 CFR Sec. 5.21(f) dealing specifically with access to an investigative record. The purpose of this request is to disseminate information on this specific topic to my constituents of the 10th Congressional District of Texas and there is a particular urgency for the public to know of this specific information pursuant to 6 CFR Sec. 5.1(d)(3).

I thank you for your timely and prompt consideration of my request. Please feel free to contact me directly if you have any questions or concerns.

Sincerely,

Michael T. McCaul
Member of Congress

EXHIBIT 26
PAGE 1 OF 1

CHRISTOPHER P. CARNEY
10TH DISTRICT, PENNSYLVANIA

416 CANNON HOUSE OFFICE BUILDING
202-226-3731

Congress of the United States
House of Representatives
Washington, DC 20515-3810

The Honorable Richard Skinner
 Inspector General
 U.S. Department of Homeland Security
 Washington, DC 20528

Dear Mr. Skinner:

On September 26, 2006, Congressmen Michael McCaul, Ted Poe, John Culberson and Kenny Marchant met with Deputy Inspector General Jim Taylor and Assistant Inspector General for Investigations Lisa Redman. Rep. McCaul, the former Chairman of the Subcommittee on Investigations of the House Committee on Homeland Security, requested this meeting to discuss the Inspector General's investigation of former Border Patrol agents Ignacio Ramos and Jose Compean.

At this meeting, Mr. Taylor and Ms. Redman represented to the Members of Congress present that the Inspector General's report on its investigation of Ramos and Compean would be released after their sentencing; the sentencing occurred on October 19, 2006. Mr. Taylor also made factual representations during this meeting that he said would be substantiated by the Inspector General's report. Specifically, Mr. Taylor and Ms. Redman stated both former Border Patrol agents admitted to shooting the suspect knowing he was unarmed, both former Border Patrol agents admitted they did not believe they were in fear for their lives or serious bodily injury from the suspect, one or both of the former agents said they wanted to shoot a Mexican, both former agents were belligerent to investigators and both Ramos and Compean destroyed evidence and lied to investigators.

After repeated attempts by former Chairman McCaul, and contrary to the assurances provided by Mr. Taylor and Ms. Redman, this report has yet to be released.

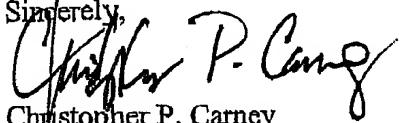
Following up on former Chairman McCaul's request from the 109th Congress, please immediately provide a copy of the Inspector General's report and any documents prepared by or in the possession of the Inspector General's office which were introduced as exhibits in the Ramos and Compean trial, including statements made by Ramos and Compean to Inspector General investigators and affidavits by Inspector General investigators.

EXHIBIT 27
 DATE 1 OF 2

If you have any questions please contact my [redacted] at
[redacted]
or [redacted]

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Sincerely,



Christopher P. Carney
Chairman
Subcommittee on Management, Investigations and
Oversight



Homeland Security

January 25, 2007

FOR OFFICIAL USE ONLY

The Honorable Christopher P. Carney, Chairman
Subcommittee on Management, Investigations
and Oversight
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Carney:

I am writing in response to your letter requesting a copy of our Report of Investigation (ROI), exhibits in our possession that were introduced at trial, and other materials on former Border Patrol agents Ignacio Ramos and Jose Compean. The ROI addresses conduct by nine other agents as well, and because possible administrative action against some of these other agents is pending, as well as judicial appeals by Messrs. Ramos and Compean, our investigation is considered "open." Ordinarily, we would not release any information until completion of all proceedings and our investigation is formally "closed." However, this matter presents a number of unique factors, and we have concluded that it is both lawful and appropriate to comply with your request at this time.

Because you have requested the ROI and other materials in your official capacity as Chair of a subcommittee with oversight authority on this matter, FOIA exemptions are inapplicable and Privacy Act exceptions apply. 5 U.S.C. §§ 552(d), 552a(b)(9). Accordingly, we are providing an unredacted copy of the narrative ROI and other materials to you for official use of the subcommittee. We are providing these materials to you with the understanding that they contain information that is exempt from public disclosure, and that no secondary distribution may be made, in whole or in part, without prior written authorization from this office.

We ask for your cooperation in sharing these materials only with specific individuals who demonstrate the requisite "need to know" in furtherance of official Committee business. Additionally, we ask your cooperation to ensure the information is stored in a locked cabinet, and is otherwise treated in a manner consistent with the **For Official Use Only** (FOUO) designation as described more fully in the attached Department of Homeland Security Management Directive, Safeguarding Sensitive But Unclassified (For Official Use Only) Information. We ask that anyone whom you allow to review the enclosed

materials be provided a copy of this transmittal letter and the attached directive to ensure their understanding of their obligations to safeguard these materials.

Also enclosed is a copy of the exhibits admitted into evidence at the trial of Messrs Ramos and Compean. These exhibits are considered a matter of public record and are not subject to the FOUO restriction. For your convenience, we have provided these exhibits both in hard copy and on a compact disc.

Should you have any questions, please call me at (202) 254-4100, or a member of your staff may call our congressional liaison officer, Ms. Tamara Faulkner, at (202) 254-4040.

Thank you, in advance, for your cooperation.

Sincerely,

Richard L. Skinner
Richard L. Skinner
Inspector General

Enclosures: As stated

FOR OFFICIAL USE ONLY

EXHIBIT 28
PAGE 2 OF 2

February 6, 2007

Honorable Michael T. McCaul
Member of Congress
House of Representatives
415 Cannon House Office Building
Washington, D.C. 20515

Subject: Freedom of Information Act Request No. 2007-56

Dear Congressman McCaul:

This is in response to your Freedom of Information Act (FOIA) request for the Report of Investigation compiled by the Office of Inspector General (OIG) Office of Investigations in the matter of Border Patrol Agents Ignacio Ramos and Jose Compean, et al. OIG assigned the above-referenced tracking number to your request.

Trial Transcript Records

Former Border Patrol agents Ramos and Compean were convicted by a jury in a public trial, and the trial transcript is not in OIG's possession. Requests for the trial transcript should be submitted to: William G. Stewart, II, Acting Assistant Director, FOIA/Privacy Unit, Executive Office for United States Attorneys, Department of Justice, Room 7300, 600 E Street, N.W. Washington, DC 20530-0001. Alternatively, a copy of the trial transcript may be obtained from the Clerk of the U.S. District Court for the Western District of Texas at the following address: 219 United States Courthouse, 511 East San Antonio Avenue, El Paso, TX 79901.

Report of Investigation

Regarding your request for the OIG Report of Investigation -- the report concerns information relating to third parties. Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of the request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest, and that significant public benefit would result from disclosure of the requested records. Since Mr. Compean and Mr.

Ramos were prosecuted and convicted of violating federal laws while on duty as federal employees, this office has determined there is clear demonstration of public interest in disclosing the misconduct of these two former agents as reflected in the OIG Report of Investigation. Therefore, in response to your request, OIG is providing you with a redacted copy of the Report of Investigation along with three of the Report's exhibits – Exhibit 46 (arrest of Ignacio Ramos), Exhibit 47 (arrest and sworn statement of Jose Alonso Compean), and Exhibit 48 (interview of Mr. Compean).

Although the FOIA generally mandates disclosure of agency records, it exempts certain records and information from public disclosure. Each exemption invoked on these records, and the information to which it pertains, is briefly discussed below. Additionally, the exemption(s) cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input checked="" type="checkbox"/> 552a(j)(2)
<input checked="" type="checkbox"/> 552(b)(2)	<input type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(5)
	<input checked="" type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> Other:

OIG redacted from the enclosed documents, names and identifying information of third parties and employees, other than the names of the two Border Patrols agents who were convicted, to protect the identities of these individuals. OIG also redacted personal information relating to Mr. Ramos and Mr. Compean that was not directly related to their conduct under investigation. Absent a Privacy Act waiver, the release of such information concerning other individuals named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act, 5 U.S.C. § 552a. The information excised is also exempt from disclosure pursuant to sections (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6)(emphasis added). Exemption 6's protection applies to files that can be identified as referring to a particular individual. The Exemption applies to OIG investigative records which can be considered "*similar files*" under Exemption 6. Names and initials of lower level employees, non-agency employees, and private citizens in these reports are exempted from public disclosure under Exemption 7C, and also qualify for withholding under Exemption 6 because disclosure of such names or identifying information "would amount to a clearly unwarranted invasion of the privacy of *any person*." Additionally, personal information relating to Mr. Ramos and Mr. Compean that was not directly related to their conduct under investigation was redacted, as well as

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information concerning medical treatment. Exemption 6 clearly applies to medical procedures and medical photographs described and/or contained in these reports, as well as employees' and private citizens' names, signatures, and initials.

Exemption 7C, 5 U.S.C. § 552(b)(7)(C)

Exemption 7C protects from public disclosure "records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C). The OIG invokes Exemption 7C relative to the redaction of the identities of OIG Special Agents, investigative assistants, complainants, witnesses, third parties mentioned or referenced during the conduct of the investigation (with the exception of Mr. Compean and Mr. Ramos), personal information relating to Mr. Ramos and Mr. Compean that was not directly related to their conduct under investigation, and any other information (such as geographical locations) which could reasonably be expected to identify such individuals.

Exemption 7A, 5 U.S.C. § 552(b)(7)(A)

In conjunction with Exemption 7(C), OIG is also asserting Exemption 7(A) of the FOIA, 5 U.S.C. § 552 (b)(7)(A), for statements and other evidentiary records pertaining to the three witnesses who received proffer letters of immunity. Although criminal action was not initiated due to the immunity they received, there are administrative proceedings pending against these individuals; therefore, OIG invokes Exemption 7(A) of the Freedom of Information Act (FOIA), 5 U.S.C. § 552 (b)(7)(A) for these records. Exemption 7(A) authorizes the withholding of "records or information compiled for law enforcement purposes . . . to the extent that production of such law enforcement records or information . . . could reasonably be expected to interfere with enforcement proceedings."

As a general rule, Exemption 7(A) may be invoked so long as the law enforcement proceeding involved remains pending and active, or so long as an enforcement proceeding is fairly regarded as prospective or as preventative. Courts have recognized specific harm that disclosure of records and information can cause to an enforcement proceeding, including the premature release of witness statements and of potential documentary evidence. Exemption 7(A)'s protection extends to interference with not only criminal enforcement proceedings, but also with civil and/or administrative enforcement proceedings. Thus, in situations where enforcement proceedings are pending or active, the courts consistently allow agencies to withhold records under Exemption 7A.

Consultation with Bureau of Customs and Border Protection

With respect to the Bureau of Customs and Border Protection (CBP) law enforcement policies contained in the OIG Report of Investigation at pages 17, 18, 19, 20 and 21, OIG consulted with CBP as required under DHS regulations. These regulations require DHS agencies to determine, for records that originated with another DHS agency, whether the originating agency is better able to determine whether the record is exempt under the FOIA. If so, then the record must be referred to the other agency. In general, the agency that originated a record is presumed best able to determine whether to disclose it. See 6 C.F.R. § 5.4(c)(2).

OIG consulted with CBP on the above-referenced policies, and CBP advised OIG to redact CBP's policies pursuant to Exemptions (b)(2) and (b)(7)(E). 5 U.S.C. §§ 552 (b)(2), (b)(7)(E). Notations in the redacted report specifically identify the sections so redacted, as "Released in Part per consultation with USCBP".

Exemption 2, 5 U.S.C. § 552(b)(2)

Exemption (b)(2) of the FOIA protects from mandatory disclosure, documents "related solely to the internal personnel rules and practices of an agency." Exemption (b)(2) covers two distinct categories of records, the "high" (b)(2) and the "low" (b)(2) categories. Under the "high 2" approach to Exemption 2 of the FOIA, government information is exempted if: (1) the information falls within the language of the exemption -- that is, it relates to the "internal personnel rules and practices" of the agency and is "predominantly internal"; and (2) its disclosure would risk circumvention of federal statutes or regulations. Law enforcement policy information redacted upon request of CBP falls under the "high" (b)(2) category because disclosure of such information would "benefit those attempting to violate the law and avoid detection." OIG is also asserting "low" (b)(2) for redactions to employees' signatures, initials, the serial numbers for Mr. Compean's and Mr. Ramos' weapons, and their booking numbers.

Exemption 7E, 5 U.S.C. § 552(b)(7)(E)

In conjunction with Exemption (b)(2), CBP also asserts Exemption (b)(7)(E) for the redacted information. Exemption (b)(7)(E) protects all law enforcement information that "would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law." The redacted CBP policy information falls within the protection of this Exemption and allows the agency to safeguard this sensitive law enforcement information because disclosure of such information would risk circumvention of federal statutes or regulations.

Appeals

This is the final action this office will take concerning this matter. You have the right to appeal this response. Your appeal must be in writing and received within 60 days of the date of this response. Please address any appeal to:

Associate General Counsel (General Law)
Department of Homeland Security
Washington, D.C. 20528

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the OIG's response. Additional information on submitting an appeal is set forth in the Department of Homeland Security regulations at 6 C.F.R. § 5.9.

Sincerely,

Katherine R. Gallo
Assistant Counsel to the Inspector General

FOIA/PA Analyst: [redacted]

Phone Number: [redacted]

cc: DHS Office of Legislative and Intergovernmental Affairs

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PAGE 5 OF 5